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WASHINGTON, DC

WHEN: December 10, 1996 at 9:00 a.m.
WHERE: Office of the Federal Register
Conference Room
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Washington, DC
(3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

AUSTIN, TX

WHEN: December 10, 1996
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WHERE: Atrium
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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AH56

Cost-of-Living Allowances (Nonforeign Areas); Partnership Pilot Project

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing regulations to establish a pilot project in which OPM will form partnerships with agencies and employees in administering the nonforeign area cost-of-living allowance (COLA) program. Under the project, COLA partnership committees will be established in Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands, and possibly in the Washington, DC, area, to assist OPM in designing, conducting, and reviewing the results of COLA surveys as well as in reviewing and improving the COLA program. Involvement in the committees should help OPM, affected agencies, and their employees better understand issues relating to the compensation of Federal employees in these areas. The regulations also make a technical amendment to clarify the term ''agency'' as it applies to the COLA program.

EFFECTIVE DATE: These regulations become effective on November 21, 1996.

FOR FURTHER INFORMATION CONTACT: Donald L. Paquin, (202) 606–2838.

SUPPLEMENTARY INFORMATION: Under section 5941 of title 5, United States Code, and Executive Order 10000, as amended, certain Federal employees in nonforeign areas outside the 48 contiguous States are eligible for cost-of-living allowances when local living costs are substantially higher than those in the Washington, DC, area. Nonforeign area COLA's are paid in Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands, and Guam and the Commonwealth of the Northern Mariana Islands.

OPM published proposed rules on August 12, 1996 (61 FR 41746), to initiate a COLA Partnership Pilot Project that would provide for greater agency and employee involvement in the COLA program through the use of COLA partnership committees composed of representatives of OPM, other agencies, and labor organizations in Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands. OPM proposed that committees advise and assist OPM in planning COLA surveys, observe data collection during the surveys advise and assist OPM in the review of survey data, advise OPM on the COLA program and other compensation issues relating to the allowance areas, and assist OPM in dissemination of information to affected employees about the COLA surveys and the COLA program. In addition, OPM proposed a technical amendment to define ''agency'' under the definitions section of 5 CFR part 591, subpart B, and to remove a corresponding reference in § 591.203 to agencies covered by the subpart.

Earlier this year, OPM briefed agency and employee representatives in the Washington, DC, area and Anchorage, Honolulu, San Juan, Guam, and the U.S. Virgin Islands on the proposed pilot project. During and subsequent to these briefings, OPM received several comments on the project, and we took these into consideration in drafting the proposed regulations. In response to the publication of the proposed regulations, we received additional comments. Most of the comments OPM received endorsed the major elements of the proposed pilot project while making suggestions for change or identifying issues that need clarification. Four commenters objected to the pilot project overall. In the discussion that follows, we address all comments received.

Agency and Employee Representation on Partnership Committees

Two commenters suggested that one of the members of the committee represent the Federal Executives Association (FEA) or Federal Executive Board (FEB) in each area that has an FEA or FEB. Two other commenters made similar suggestions concerning the COLA Defense Committees, and a third commenter believed OPM should include a representative from the Federal Managers Association (FMA). Other commenters expressed concerns that their agency or union would not be represented on the committees. One commenter suggested that all Federal labor unions be allowed to have a representative on the COLA partnership committees. These comments echoed several that OPM heard earlier this year when it briefed agency and employee representatives.

OPM tried to find a balance between effective representation and effective committee operation. The pilot project regulations provide for committees with five agency representatives, five employee representatives, and one or more OPM representatives, plus additional members as recommended by the committee and approved by OPM. These are large committees, and we are concerned that if they become much larger they will not function effectively. Therefore, OPM is not expanding the size of the basic committee.

To accommodate the FEA/FEB suggestion without expanding the committee, we modified the regulations so that FEA/FEBs will be offered the agency rotational position in areas where there is an FEA or FEB. In areas where there is no FEA or FEB or if the FEA or FEB declines,we will use the process originally proposed—i.e., sampling with probability proportional to the size of the agency.

Although OPM wants to prevent the committees from becoming so large that they will be unwieldy, OPM notes that the regulations allow each partnership committee to recommend additional members to OPM, including persons representing the FMA, COLA Defense Committees, and other organizations. OPM will try to accommodate such requests if it appears practical to do so.

In addition, OPM will make the meetings open to the public and establish systems of communication (e.g., via mail, telephone, facsimile, computer bulletin boards, and/or Internet) so that agencies and employee groups can attend these meetings, hear the discussions, and make their views known. We will also use the same systems of communication so that those not directly on the committee or in attendance at the meetings can have access to the information provided and the issues under discussion.

One commenter suggested that OPM choose all agency representatives at random and rotate the committee positions among agencies on a 6-month basis. The commenter noted that this could be cumbersome, since new members would be joining the committee every 6 months. OPM agrees that this procedure would be combersome and that it would not ensure that the views and interests of the major Federal employers in each area are represented on the committee. Therefore, OPM is not adopting this approach.

Another commenter recommended that OPM not use OPM staff from outside the allowance area. The commenter believed OPM's own representatives within the allowance areas could serve on the committee or as data collectors if their work and activities were reviewed properly. Under 5 CFR part 2635, Federal employees must avoid engaging in activities where there is the appearance of a conflict of interest. Thus, we believe it is preferable to use OPM staff from outside the allowance area for the pilot project.

Identifying Largest Federal Unions and Employers by Area

Two commenters stated that OPM did not have correct information regarding the number of employees in bargaining units in each area. OPM received similar comments earlier when it briefed agency and employee representatives on the proposal. For these briefings, OPM used materials that showed the number of employees by bargaining unit as reported in the Central Personnel Data File (CPDF)—a census of Government workers reported to OPM by Federal agencies. The CPDF is the best source of Governmentwide information on the number of employees in bargaining units; however, OPM will attempt to supplement CPDF data with other information provided by agencies and/or unions if the counts by agency/union are such that relatively small changes could make a difference in the composition of a committee.

Another commenter believed OPM had classified the Puerto Rico Federal Executives Association as an employee organization because, in its briefing materials, OPM had listed ''FEA'' among the major labor organizations in Puerto Rico. The ''FEA'' listed in the briefing materials refers to the Federal Educators Association, a major labor organization in Puerto Rico. OPM recognizes that Federal Executives Associations are not labor organizations, although we also agree with the commenter that Federal Executives Associations are concerned with the interests of both the agencies and the employees.

A third commenter expressed concern that the civilian agencies would be under-represented on the partnership committees because the military departments (e.g., Army, Navy, and Air Force) would have three of the five seats in most areas. Although it was suggested during our earlier briefings that OPM consider the military departments as separate agencies for the purpose of committee membership, the proposed and final regulations use the term ''Executive agency,'' as defined in 5 U.S.C. 105. Under section 105, the Department of Defense (DOD) is defined as an Executive agency and is considered to be a single agency. Therefore, DOD will have no more than one agency representative on any COLA partnership committee.

Release of Employee Representatives

Two commenters objected to and one commenter expressed serious concerns about the way employee representatives were to be selected for the committees. Under the proposed regulations, agencies would *select* agency committee representatives, but employee organizations would *nominate* representatives and OPM would select committee representatives from among the nominations in consultation with the employing agencies. The commenters noted that it is very important for employees to have as their representatives persons of their own choosing. OPM agrees, but it cannot require agencies to release specific employees for committee duties if the employees' work at their jobs is critical to the mission of the agency. One commenter suggested that OPM adopt language similar to that used in section 532.229(b)(6) of title 5, Code of Federal Regulations, which addresses the release of employee representatives for work on Federal Wage System surveys. These regulations state in part that ''[e]mployers shall cooperate and release appointed employees for committee proceedings unless the employers can demonstrate that exceptional circumstances directly related to the accomplishment of the work units' missions require their presence on their regular jobs.'' OPM agrees that such a provision is appropriate and has included parallel language in the final pilot project regulations.

Another commenter stated that OPM failed to recognize Federal union representatives as full-time Federal employees while these employees are in a leave without pay status from their Federal jobs. The commenter said that by creating its own criteria, OPM was prohibiting certain Federal union representatives from being on the COLA partnership committees.

The regulatory requirement that all members of the COLA partnership committees be Federal employees stems from the requirements of the Federal Advisory Committee Act (FACA) (Public Law 92–463) and Executive Order 12838. FACA applies to committees established by the Federal Government that have as their membership one or more persons who are *not* full-time Federal employees. Executive Order 12838 prohibits agencies from establishing committees subject to FACA unless required by law or ''compelled by considerations of national security, health or safety, or similar national interests.'' Therefore, OPM cannot establish COLA partnership committees if they would be subject to FACA. Since FACA does not apply to committees composed solely of full-time Federal employees, OPM's final regulations require that all COLA partnership committee members be full-time Federal employees. A person who is on leave without pay is not considered a full-time Government employee during that period of time for the purpose of applying FACA and will not be able to serve on a COLA partnership committee while in a nonpay status.

U.S. Postal Service and Its Employee Representatives

In its comments, the U.S. Postal Service (USPS) stated that its collective bargaining agreements did not allow it to pay USPS union members for work performed on the partnership committees. USPS said, however, that it could grant union representatives leave without pay for committee work. As discussed above, COLA partnership committee members must be full-time Federal employees in the pay of the Federal Government during the time they are performing committee work. Therefore, unless USPS agrees to pay its union representatives for partnership committee work, the union representatives will not be eligible to serve on the committees because (as explained above) they would not be full-time Federal employees during such periods of work for the purpose of applying FACA. Since it would not be equitable to have USPS represented on the committee but not its employees, OPM has modified its regulations to make USPS participation in the pilot project conditional upon the involvement of both USPS and its unions.

Experience and Training

Several commenters noted the importance of having committee representatives and data collection observers with technical experience concerning COLA issues, and two commenters suggested that OPM select committee members and observers based on the nominees' qualifications. Although technical experience certainly could be an asset, we believe committee members and observers with broad ranges of experience can provide valuable insights and advice concerning COLA's, compensation, and recruitment and retention issues. Also, as noted above, we believe agencies and employees should be represented by persons of their own choosing, rather than by others selected through some other means. Therefore, we do not plan to adopt these suggestions.

Nevertheless, OPM agrees that training, experience, and support are important for effective committee participation, and we will work with the committees to provide the resources and information necessary. We note, however, that while some aspects of the COLA methodology are complex, the fundamental principles involved in survey design and execution (e.g., item and outlet selection and data collection) are based on common consumer behavior—experiences that we all have. Therefore, we believe the committee members and observers will be able to make valuable contributions toward improving the surveys while they acquire more technical expertise and background in the COLA program.

One commenter stated that unless all participants in the COLA partnership process had jointly received employee involvement training, the partnership committees could become dysfunctional. The commenter recommended that such training be provided in advance of the first committee meetings. OPM believes many of the representatives who will serve on the COLA partnership committees will have had employee involvement training, and timing and budget considerations make it difficult to provide such training in advance of the initial meetings. If the lack of employee involvement training threatens to undermine the pilot project, OPM will revisit this issue and determine how such training might be provided.

Data Collection Observers

One commenter questioned whether the proposed role of the data collection observer was an efficient use of manpower resources. The commenter suggested expanding the role to include actual data collection or dropping the role entirely. OPM believes the role of the data collection observer is important because it will provide integrity to the data collection effort. This integrity cannot be achieved if either OPM or the COLA recipients were to collect the data alone. Furthermore, we do not expect the observer to stand by silently and offer no comments or suggestions during the surveys. We expect that observers will provide valuable insights both during and after the data collection process and that these insights will be very useful as the COLA partnership committees work to improve surveys from one year to the next.

COLA Committee in the DC Area

Two commenters suggested that OPM involve agency and employee representatives from the Washington, DC, area in the pilot project. OPM agrees that the integrity of the program could benefit from such involvement in the DC area survey, and we have modified the regulations to allow this. OPM will explore the issue further with agency and employee representatives in the DC area and will establish a DC area committee if it appears practical to do so.

Subcommittees

One commenter stated that subcommittees in the allowance areas in Alaska should be required by regulation rather than simply permitted at the discretion of OPM and the COLA partnership committees. We agree that subcommittees will be valuable assets to the partnership committees and to OPM in the conduct of the survey. Therefore, we certainly will encourage the committees to establish a subcommittee in each of the COLA survey areas. Although OPM could make these subcommittees mandatory, we did not adopt this change because we do not think it will be necessary. We also note that under the regulations OPM can establish additional partnership committees if necessary.

During our briefings of agency and employee representatives, it was suggested that OPM establish two types of COLA committees—a COLA policy committee and a COLA survey subcommittee. OPM agrees that it may well be valuable to have subcommittees that focus on specific issues, processes, and/or geographic interests, and the regulations allow for this at the recommendation of the COLA partnership committees as approved by OPM. We anticipate that subcommittees will be established for various purposes during the pilot project.

Review of Pilot Project

One commenter suggested that the pilot project be reviewed periodically to determine whether it represents an efficient use of resources, and another commenter asked how the effectiveness of the pilot project would be measured. OPM agrees that the effectiveness of the pilot project should be evaluated during and at the end of project. Certainly, if it becomes clear that the pilot project is not effective, OPM will discontinue it. However, based on the majority of the comments we have received to date, we believe this is an unlikely prospect.

Expenses Related to Committee Activities

One commenter noted that the commentary that preceded the proposed regulations suggested that agency committee representatives would have their travel costs paid by the Government, but that employee representatives would not. That is not what we intended. To clarify this, we have revised the regulations to state clearly that employees serving as committee or subcommittee members are considered to be on official assignment to an interagency function. Therefore, such employees, without regard to whether they are agency or employee representatives, will be entitled to reimbursement for travel expenses related to COLA partnership committee work. However, as we noted in the commentary on the proposed rule, we expect such expenses to be minimal because all non-OPM committee and subcommittee members will be residents of the immediate area, and non-local travel will therefore be unnecessary in most cases.

Another commenter believed OPM should provide the budgetary resources necessary for COLA partnership and not rely on agency support. In developing this pilot project, OPM tried to minimize its budget impact. We also consulted with the major Federal employers in the allowance areas and discussed the potential impact with them. Although they recognized that the pilot project would be a new resource requirement, most of the agencies found merit in the proposal and agreed to support the project in terms of the staff time and related expenses associated with the program.

Committee Charters

One commenter asked whether COLA partnership committees would be chartered. Although charters are not required for these committees, OPM believes that charters would be beneficial and plans to encourage

committees to develop charters. These charters could provide additional detail on and clarify committee objectives and scope, membership requirements, agency support, reports, OPM and other agency support, etc.

Issues Relating to COLA Surveys

One commenter believed prices in Puerto Rico were higher in the fall than in the January through March time frame during which OPM will conduct the COLA surveys. The commenter recommended changing the timing of the survey or using a factor to adjust for any price differences. On May 11, 1995, OPM published in the Federal Register (60 FR 25150) for comment a notice that said it planned to change the timing of the surveys of Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands to the first quarter of the calendar year. OPM received no comments opposing that change. Nevertheless, timing of the COLA surveys is one of the issues that COLA partnership committees could consider as they advise OPM on the COLA program.

One commenter suggested that OPM take into consideration other measures of relative living costs, such as those reported by certain private sector companies, and another commenter suggested that OPM consider varying COLA rates by income level. OPM believes these are valuable suggestions and are certainly topics that the COLA partnership committees could consider.

Opposition to Proposed Pilot Project

Four commenters objected to the proposed pilot project overall. Their comments and our analyses and responses are noted below.

Procedure for selecting employee representatives: As noted earlier, two commenters objected to the procedure for selecting employee representatives for the committees. In response to these concerns, OPM modified the regulations to ensure that employee organizations are represented by persons of their own choosing, except when the affected work unit's mission requires the employee's presence on his or her regular job.

One commenter criticized the proposal because it involved agencies in a technical process that could affect their budgets. The commenter said that the agencies' right to select their representatives and consult with OPM concerning the selection of employee representatives gives the agencies the ability to improperly influence the survey results. The COLA program was established to provide a compensation tool that helps agencies recruit and retain a well-qualified work force. Therefore, we believe agencies must be involved in any effort to improve the administration of the COLA program. Furthermore, as discussed earlier, OPM has modified its regulations to address issues relating to the selection of employee representatives. We believe this change will strengthen the composition of the committee and guarantee the free exchange of ideas and issues from all perspectives.

Another commenter believed the process of selecting only the largest unions in terms of the number of COLA recipients they represent would promote conflict and competition among labor organizations. OPM's experience working with labor organizations under the Federal Wage System for over 20 years has shown that Federal labor organizations work cooperatively in these situations. Therefore, we do not believe the COLA partnership process will be jeopardized by union conflict and competition.

Nature of the partnership committees: Two commenters believed the committees should not be called ''partnerships'' because the committees would be advisory in nature. One commenter was concerned that the committees might be expected to ''rubber stamp'' OPM's unilateral actions, and that if this were to happen, participating organizations might be ''tainted.'' Another commenter believed committee members would be ''turned off'' if they did not have the ability to influence decisions that affect them.

No two partnerships look exactly alike, and OPM believes that establishment of these committees will result in a more collaborative relationship among affected agencies and employees with respect to this complex and often contentious program. By statute and Executive order, however, OPM has the final authority for conducting COLA surveys and administering the COLA program. If a consensus cannot be reached on an issue or if the views of one COLA committee differ from those of another on the same issue, OPM must still conduct surveys and set COLA rates. Nevertheless, this does not mean that we cannot use partnership to improve the COLA program.

OPM plans to accommodate suggestions whenever practical and consistent with the laws and regulations that govern the COLA program. We certainly do not expect the committees to ''rubber stamp'' our proposals. Instead, we plan to listen carefully to and seriously consider all of the information and advice that will be provided. We know there is much we can learn that will help us improve the surveys and the way we administer the program, and we look forward to having frank and open discussions with the other committee members. It is our hope that we can reach a consensus on the vast majority of issues that will face us. As several commenters said, the partnership process will not work unless there is a sincere commitment from all parties, *including OPM,* to share ideas, listen to others, learn from what is said, and find areas of agreement. OPM is committed to this process.

Agency impact: Another commenter objected to the proposal on the basis that it seemed to set up a new bureaucracy to deal with COLA issues and that this was not an efficient use of resources in a time of downsizing. The commenter appeared to suggest that OPM consider using a different approach to compensation, such as the locality pay provisions of the Federal Employees Pay Comparability Act of 1990 (Public law 101–509). OPM recognizes that the pilot project will require staff time of a limited number of agencies and employee representatives in each area and that this comes at a time when many agencies have had staff-level reductions. Therefore, in developing the pilot project, OPM strived to limit the number and size of the committees while trying to ensure that there is adequate representation and a sufficient number of people to do the work. We do not believe we are creating a bureaucracy, but rather furthering National Performance Review objectives concerning management and employee partnership.

Memorandum of understanding and COLA partnership: Two commenters objected to the proposal because of perceived conflicts between COLA partnership work and the work to be performed under a memorandum of understanding (MOU) between the Government and the plaintiffs in *Alaniz* v. *Office of Personnel Management* and *Karamatsu* v. *United States.* The commenter felt that the pilot project would undermine the MOU and dilute the parties' resources to work on it. One commenter suggested that the pilot project be postponed and reconsidered at the end of the ''Safe Harbor'' process envisioned by the MOU. The same commenter also suggested that OPM delete or amend several of the functions of COLA partnership committees, as described in § 591.212(d) of the proposed regulations. The other commenter believed the pilot project duplicated and conflicted with the Safe Harbor process.

While we agree that both the MOU and the COLA partnership ;pilot project are major undertakings, we do not

believe they will deplete the resources necessary to participate effectively in both processes. Furthermore, we see the MOU and pilot project as two distinctly different processes that, while having similar overall goals, will not conflict with one another. The MOU is designed to engage the parties in *Alaniz* and *Karamatsu* in a collaborative process through which the parties will attempt to reach agreement on issues that have long been contested in the COLA program and to help OPM in connection with its report to Congress, which is required by Public Law 102–141, as amended. The COLA pilot project is designed to use partnerships of agency and employee representatives to assist OPM in designing, conducting, and reviewing results of annual COLA surveys; to improve the COLA program and OPM's administration of the program; and to explore issues relating to the compensation of Federal employees in the allowance areas. As with the MOU, the information and experience that OPM will gain through the pilot project will also be helpful in preparing our report to Congress. OPM believes the MOU and COLA partnership will complement each other as they provide information on different aspects of the COLA program. This information will be very beneficial to Congress as it reviews and considers the COLA program. Therefore, we believe it would be undesirable to postpone the pilot project until the MOU process is complete or to modify the functions of the COLA partnership committees.

Training, expertise, and resources: One of the commenters also believed the partnership committees would have insufficient resources, experience, and training to participate effectively. The commenter felt that the COLA Defense Committees would be able to participate more effectively and criticized OPM for not explicitly including representatives from the COLA Defense Committees on the COLA partnership committees.

As discussed above, the regulations allow for the COLA partnership committees to expand their membership in consultation with OPM, and OPM intends to be open to such requests. Therefore, if any COLA partnership committee believes it would be appropriate to include representatives from a COLA Defense Committee, OPM will try to support such a request, provided that the size of the committee does not threaten its effectiveness.

As also discussed above, OPM agrees that training, experience, and support are important, and we plan to provide the resources and information necessary for effective involvement. Although there may be individuals in each area who have more experience with COLA issues, we believe there is much to be gained from the involvement of a wide range of views and interests, and we also believe effective experience concerning COLA issues can be gained quickly through participation in the COLA partnership pilot project.

Waiver of 30-Day Delay in Effective Date

Pursuant to section 553(d)(3) of title 5, United States Code, OPM finds that good cause exists to make these regulations effective in less than 30 days. The regulations are being made effective immediately in order to provide sufficient time for the COLA partnership committees to organize and prepare for the surveys to be conducted during the first quarter of calendar year 1997.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

U.S. Office of Personnel Management
James B. King,
Director.

Accordingly, OPM amends 5 CFR part 591 as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

1. The authority citation for subpart B of part 591 continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; E.O. 12510, 3 CFR, 1985 Comp., p. 338.

2. Section 591.201 is amended by adding a definition of ''agency'' in alphabetical order to read as follows:

§ 591.201 Definitions.

* * * * *

Agency means an Executive agency as defined in section 105 of title 5, United States Code, but does not include Government-controlled corporations. For the purposes of § 591.212, ''agency'' also includes the United States Postal Service.

* * * * *

3. Section 591.203 is amended by revising the section heading and the introductory text to paragraph (a) to read as follows:

§ 591.203 Employees covered.

(a) This subpart applies to civilian employees whose rates of basic pay are fixed by statute and who are employed by an agency. The following pay plans are covered by this subpart:

* * * * *

4. Section 591.212 is added to read as follows:

§ 591.212 COLA Partnership Pilot Project.

(a) *Purpose and duration of COLA Partnership Pilot Project.* The COLA Partnership Pilot Project is designed to assess the efficacy of a plan to increase agency and employee involvement in the allowance program. The pilot project shall be in effect for a period not to exceed 2 years from November 21, 1996.

(b) *Purpose and establishment of committees.* To assist OPM in reviewing and improving the allowance program and to help OPM, affected agencies, and their employees better understand issues relating to the compensation of Federal employees in the allowance areas, OPM may establish one or more COLA partnership committees in the allowance areas and in the Washington, DC, area. Committees established under this section function at the discretion of OPM and may be disestablished at any time. A committee may represent agencies and employees in more than one allowance area and will meet from time to time as requested by OPM.

(c) *Composition of committees.* Each committee shall be composed of one or more representatives of Federal agencies and labor organizations. All committee members shall be current full-time Federal employees performing official business of the Federal Government and will serve at their agencies' and OPM's discretion. All non-OPM committee members shall be from the area represented by the committee. The representatives shall be selected as follows:

(1) *Agency representatives.* (i) OPM will identify the largest agencies (in terms of allowance recipients) in the area represented by the committee. For the Washington, DC, area committee, if established, OPM will identify the largest agencies in terms of allowance recipients in all of the allowance areas. OPM will invite up to four agencies each to designate a representative to serve on the committee. In areas where a Federal Executive Association (FEA) or Federal Executive Board (FEB) is located, OPM will invite the FEA or FEB to nominate an FEA or FEB member employed by an agency not otherwise represented on the committee, and OPM will select the nominee in consultation with the nominee's employing agency.

In areas where there is no FEA or FEB, or where an FEA or EB declines to participate, OPM will invite one additional agency selected from among the other agencies in each committee area to designate a representative to serve on the committee on a 1-year rotational basis. To select this agency, OPM will use sampling with probability proportional to the size of the agency. If mutually agreeable among the agencies, they may select representatives using other means and may rotate committee positions among agencies on other than a 1-year rotational basis.

(ii) OPM will appoint one or more of its employees to serve on each COLA partnership committee.

(2) *Employee representatives.* OPM will identify the largest labor organizations (in terms of allowance recipients) in the area represented by the committee. For the Washington, DC, area committee, if established, OPM will identify the largest labor organizations in terms of allowance recipients in all of the allowance areas. OPM will invite up to four labor organizations each to nominate a representative to serve on the committee. OPM will further invite one additional labor organization selected from among the other labor organizations in each committee area to nominate a representative to serve on the committee on a 1-year rotational basis. To select this labor organization, OPM will use sampling with probability proportional to the size of the labor organization. If mutually agreeable among the labor organizations, they may nominate representatives using other means and may rotate committee positions among labor organizations on other than a 1-year rotational basis. OPM will select committee members from among the nominees in consulation with the nominees' employing agencies.

(3) *Postal Service.* No committee shall have a representative from the United States Postal Service (USPS) unless USPS labor organizations have the opportunity to participate as provided by paragraph (g) of this section. No committee shall have more than one employee representative from USPS labor organizations.

(4) *Other members.* In consultation with the committee members, OPM may invite other current full-time Federal employees to serve on the committees. OPM will coordinate such invitations with the employing agencies.

(d) *Functions of committees.* COLA partnership committees may—

(1) Advise and assist OPM in planning living-cost surveys;

(2) Provide or arrange for observers for data collection during living-cost surveys;

(3) Advise and assist OPM in the review of survey data;

(4) Advise OPM on its administration of the COLA program, including survey methodology and other issues relating to the compensation of Federal employees in the allowance areas; and

(5) Assist OPM in the dissemination of information to affected employees about the living-cost surveys and the COLA program.

(e) *Data collection observers.* In consultation with the committees, OPM will determine the number of observers required to accompany OPM officials during the collection of living-cost data. All observers shall be from the local area and shall be full-time Federal employees performing official business of the Federal Government. The committees will nominate observers, and OPM will select from among these nominations in consultation with the nominees' employing agencies.

(f) *Subcommittees.* In consultation with the committees, OPM may establish one or more subcommittees to advise the committee on issues relating to the allowance areas and survey areas within the geographic area represented by the committee. If such subcommittees are established, they shall be composed of up to two agency representatives and two employee representatives from the local area, as well as one or more OPM representatives. OPM may, in consultation with the committee and subcommittee, invite additional Federal employees to serve on the subcommittee. Subcommittee agency and employee representatives shall be nominated and appointed in the same manner as committee members. All subcommittee members shall be current full-time Federal employees performing official business of the Federal Government.

(g) *Agency release of employees for committee/subcommittee activities.* Employers shall cooperate and release nominated employees for committee/subcommittee proceedings and activities unless the employers can demonstrate that exceptional circumstances directly related to the accomplishment of the work units' missions require their presence on their regular jobs. Employees serving as committee or subcommittee members are considered to be on official assignment to an interagency function, rather than on leave.

[FR Doc. 96–29773 Filed 11–20–96; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

[Docket No. FV96–987–1 FIR]

Domestic Dates Produced or Packed in Riverside County, CA; Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule establishing an assessment rate for the California Date Administrative Committee (Committee) under Marketing Order No. 987 for the 1996–97 and subsequent crop years. The Committee is responsible for local administration of the marketing order which regulates the handling of domestic dates produced or packed in Riverside County, California. Authorization to assess date handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Program Assistant, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–720–9918, FAX 202–720–5698, or Maureen Pello, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, suite 102B, 2202 Monterey Street, Fresno, California 93721, telephone 209–487–5901, FAX 209–487–5906. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–720–2491; FAX 202–720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 987, both as amended (7 CFR part 987), regulating the handling of domestic dates produced or packed in Riverside County, California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California date handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable dates beginning October 1, 1996, and continuing until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 135 producers of California dates in the production area and approximately 25 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of California date producers and handlers may be classified as small entities.

The California date marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California dates. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on July 18, 1996, and by a vote of 8 to 1 recommended 1996–97 gross operating expenditures of $60,000 and an assessment rate of $0.0556 per hundredweight of dates. Included in the gross operating expenditures is a $40,000 surplus account contribution, resulting in net operating expenditures of $20,000. In comparison, last year's net budgeted expenditures were $774,218, after a $42,000 surplus account contribution was deducted. The assessment rate of $0.0556 is $2.1944 lower than last year's established rate. The budgeted expenditures and assessment rate are significantly lower than last year because most of the Committee's promotional activities will be conducted by the California Date Commission (Commission). Over the past year, the industry formed the Commission, a State organization that will be conducting promotional activities for the industry. The no vote on the budget came from a grower who opposed formation of the Commission and has expressed a concern that the organization is composed of handlers only and no growers. Major expenditures recommended by the Committee for the 1996–97 crop year include $43,586 for salaries and benefits and $14,766 for office expenses. Budgeted expenses for those items in 1995–96 were $121,500 and $33,300, respectively. Included in the $60,000 gross operating budget is a $40,000 surplus account contribution, for a net operating budget of $20,000, $98,000 less than last year.

Under the Federal marketing order, the Committee's staff manages a surplus pool for low quality dates. The expenses incurred for this activity are paid for with proceeds from the sale of such dates, not assessment income.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of California dates. Date shipments for the year are estimated at 360,000 hundredweight, which should provide $20,016 in assessment income, which will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order. Funds held by the Committee at the end of the crop year, including the reserve, which are in excess of the crop year's expenses may be used to defray expenses for four months and thereafter the Committee shall refund or credit the excess funds to the handlers.

An interim final rule regarding this action was published in the September 24, 1996, issue of the Federal Register (61 FR 49955). That rule provided for a 30-day comment period. No comments were received.

This action will reduce the assessment rate to be imposed on handlers during the 1996–97 crop year. While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1996–97 budget and those for subsequent crop years will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996–97 crop year began October 1, 1996, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dates handled during such crop year; (3) handlers are aware of this action which was recommended by a vote of 8 to 1 by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action which provided a 30-day comment period, and no comments were received.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

Note: This section will appear in the Code of Federal Regulations.

For the reasons set forth in the preamble, 7 CFR part 987 is amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 987 which was published at 61 FR 49955 on September 24, 1996, is adopted as a final rule without change.

Dated: November 12, 1996.

Eric M. Forman,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 96–29728 Filed 11–20–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–AWP–3]

Establishment of Class E Airspace; Grand Canyon-Valle Airport, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class E airspace area at Grand Canyon-Valle Airport, AZ. The development of a VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 19 and a Global Positioning System (GPS) SIAP to RWY 01/19 at Grand Canyon-Valle Airport has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Grand Canyon-Valle Airport, AZ.

EFFECTIVE DATE: 0901 UTC January 30, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

History

On October 8, 1996, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace area at Grand Canyon-Valle Airport, AZ (61 FR 52734). This action will provide adequate controlled airspace to accommodate a VOR/DME RWY 19 and GPS RWY 01/19 SIAP at Grand Canyon-Valle Airport, AZ.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes a Class E airspace area at Grand Canyon-Valle Airport, AZ. The development of a VOR/DME and GPS SIAP to Grand Canyon-Valle Airport has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the VOR/DME RWY 19 and GPS RWY 01/19 SIAP at Grand Canyon-Valle Airport, AZ.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that his rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 Class E airspace area extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP AZ E5 Grand Canyon-Valle Airport, AZ [New]

Grand Canyon-Valle Airport, AZ
(lat. 35°39′03″N, long. 112°08′47″W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Valle Airport and within 1.4 miles each side of the 021° bearing from the Valle Airport extending from the 6.4-mile radius of the Valle Airport to 8 miles northwest of the Valle Airport and within 2 miles each side of the 201° bearing from the Valle Airport extending from the 6.4-mile radius of the Valle Airport to 10 miles southwest of the Valle Airport. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 35°42′00″N, long. 112°00′03″W; to lat. 35°18′30″N, long. 112°00′03″W; to lat. 35°24′00″N, long. 112°21′00″W; to lat. 35°34′00″N, long. 112°20′30″W; to lat.

35°38′00″N, long. 112°17′00″W; to lat. 35°38′00″N, long. 112°07′03″W; to lat. 35°42′00″N, long. 112°07′03″W, thence to the point of beginning.

* * * * *

Issued in Los Angeles, California, on November 4, 1996.

Sabra W. Kaulia,

Assistant Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 96–29818 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 96–AWP–16]

Establishment of Class E Airspace; Phoenix, Deer Valley Municipal Airport, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the airspace designation and description of a final rule that was published in the Federal Register on October 7, 1996 (61 FR 52283), Airspace Docket No. 96–AWP–16.

EFFECTIVE DATE: 0901 UTC December 5, 1996.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 96–25607, Airspace Docket No. 96–AWP–16, published on October 7, 1996 (61 FR 52283), established a Class E airspace area at Phoenix-Deer Valley Municipal Airport, AZ. An error was discovered in the airspace designation and description in the Phoenix-Deer Valley Municipal Airport, AZ, Class E airspace area. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designation and description for the Class E airspace area at Phoenix-Deer Valley Municipal Airport, AZ, as published in the Federal Register on October 7, 1996 (61 FR 52283), (Federal Register Document 96–25607; page 52283, columns 2 and 3), are corrected as follows:

§ 71.1 [Corrected]

On page 52283, in the second column, in the second paragraph, in the seventh line ''paragraph 6002'' should read ''paragraph 6004.''

On page 52283, in the third column, in the fourth paragraph, under § 71.1 [Amended], ''Paragraph 6002 Class E airspace areas designated as a surface area for an airport'' should read ''Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.''

AWP AZ E4 Phoenix, Deer Valley Municipal, AZ [Corrected]

Phoenix, Deer Valley Municipal Airport, AZ (lat. 33°41′18″N, long. 112°04′56″W)

On page 52283, the third column, the airspace description for Phoenix, Deer Valley Municipal, AZ, is corrected to read as follows:

Within 3 miles south and 2 miles north of the 287° bearing from the Deer Valley Municipal Airport extending from the 4.4-mile radius of the Deer Valley Municipal Airport to 9.2 miles west of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Los Angeles, California, on November 4, 1996.

Sabra W. Kaulia,

Assistant Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 96–29819 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 21

Guides for the Mirror Industry

AGENCY: Federal Trade Commission.

ACTION: Final rules; Recision of the guides for the mirror industry.

SUMMARY: The Guides for the Mirror Industry were promulgated in 1962 to prevent deception in the sale and marketing of mirrors for decorative and utilitarian uses with respect to the material content of the glass from which mirrors were made and the method by which the backing was affixed to mirrors. When the Mirror Guides were adopted, the process used to manufacture glass for mirrors was not uniform and there were no industry standards that regulated quality, reflectivity, or durability of mirrors. Since that time, the glass industry, and as a result the mirror industry, have undergone significant changes. First, mirrors are no longer made from ''plate glass'' or ''sheet glass,'' both of which produced mirrors with a high level of distortion. Today, all commercial glass manufacturers use the Pilkington process to manufacture float glass. This process produces high quality glass that is almost distortion-free. Second, industry standards have been promulgated that govern the quality, acceptable levels of distortion, reflectivity and durability of glass suitable for use in mirrors. Third, the process used to affix copper backing to mirrors has undergone significant technological improvement that lessens, if not eliminates, the potential for deception as to the type of backing used. Finally, due to technological changes, industry participants consider much of the terminology used in the Mirror Guides to be obsolete. These facts appear to make the Mirror Guides obsolete and unnecessary. Because of these changes, the Commission has determined that it is in the public interest to rescind the Guides for the Mirror Industry.

EFFECTIVE DATE: November 21, 1996.

ADDRESS: Requests for copies of this document should be sent to the Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Jessica D. Gray, Attorney, Federal Trade Commission, Washington, D.C. 20580, (202) 326–2025.

SUPPLEMENTARY INFORMATION: The Mirror Guides, promulgated by the Commission on June 30, 1962, and amended on September 13, 1972 (37 FR 18448), and February 27, 1979 (44 FR 11183), give guidance about acceptable and unacceptable claims made in advertising or promotional materials used in the sale or distribution of mirrors.

Specifically, under these Guides it is an unfair or deceptive act or practice for any industry member, in connection with the sale, offering for sale, or distribution of mirrors, to use any advertisement or representation which is false or has the tendency to mislead purchasers or prospective purchasers with respect to the type, grade, quality, quantity, use, size, design, material, finish, strength, backing, silvering, thickness, composition, origin, preparation, manufacture, value, or distribution of any mirror.

Under the Mirror Guides it is also an unfair or deceptive act or practice for any member of the industry to sell, offer for sale, or distribute any mirror under any representation or circumstance having the capacity to mislead or deceive purchasers or prospective purchasers with regard to the type or

kind of glass contained in any mirror or the type of backing affixed thereto.

The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or recision. On January 22, 1996, the Notice of the Commission's intent to request public comment on the rules and guides selected for regulatory review during 1996 appeared in the Federal Register. 61 FR 1538–44. A notice inviting comments on the Mirror Guides was published on March 15, 1996. 61 FR 10708–10. The comment period ended on April 15, 1996. One comment, from the North American Association of Mirror Manufacturers (NAAMM), was received after the comment period closed. This comment characterized the Mirror Guides as obsolete and recommended that the Guides be amended or rescinded. Specifically, NAAMM stated that there is consensus within the industry that the Guides are ''almost totally inaccurate'' and that the process for manufacturing glass for mirrors is no longer an issue.

At the time the Mirror Guides were promulgated, mirrors were made from ''plate glass,'' which was made by grinding and polishing a ribbon of glass between two rolls. The glass produced by this process contained a high occurrence of distortions and other imperfections. The quality problems that resulted from the manufacturing process gave rise to pervasive misrepresentations or deceptive acts or practices by some manufacturers, distributors, and resellers of mirrors. Today, the grinding and polishing process has been displaced by the ''float'' technology, which produces glass with greater clarity and almost no distortions. Consequently, misrepresentations that mirrors contain ''crystal'' or ''crystale,'' ''window,'' or ''plate'' glass are no longer a concern.

In the 1960s, some industry members engaged in the practice of deceptively marketing mirrors as being ''copper backed'' when the copper had simply been painted on and had not been applied by an electroplating process. Mirrors that had copper backing painted on them did not have the same quality and durability as mirrors to which the copper backing had been applied by electroplating. The Mirror Guides were promulgated in part to prevent this deceptive practice. Today, a different process for applying copper backing to mirrors called ''electro-chemical reaction'' is used and appears to have displaced both ''electroplating'' and the painting on of copper backing. Therefore the quality and durability concerns that prompted the adoption of the Mirror Guides no longer exist.

The glass and mirror industries have also made significant progress toward standardization. The American Society for Testing and Materials has promulgated standards that set parameters for quality, levels of defects and durability of glass. In addition, the American National Standards Institute has promulgated several standards that govern the reflectivity of mirrors used in automobiles.

These recent changes in the glass and mirror industries have rendered the Mirror Guides obsolete and ineffectual. Accordingly, the Commission has determined that it is in the public interest to eliminate the Mirror Guides.

List of Subjects in 16 CFR Part 21

Advertising, Glass and glass products, Trade practices.

PART 21—[REMOVED]

The Commission, under authority of sections 5(a)(1) and 6(g) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1) and 46(g), amends Chapter I of Title 16 of the Code of Federal Regulations by removing Part 21.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 96–29798 Filed 11–20–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 40

[Public Notice 2463]

Visas: Regulations Pertaining to Both Nonimmigrants and Immigrants Under the Immigration and Nationality Act, as Amended

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This final rule amends the numbering system for the Department's visa regulations in order to facilitate implementation of the ''Illegal Immigration Reform and Immigrant Responsibility Act of 1996'', hereinafter referred to as ''the Act.'' Among other things, the Act revises a number of the current grounds of visa ineligibility under the Immigration and Nationality Act (INA) and adds new grounds of visa ineligibility. The Act also modifies certain definitions and waiver provisions set forth in the INA. As a consequence of these additions and revisions, it is necessary for the Department to amend the numbering of 22 CFR Part 40.

EFFECTIVE DATE: This rule takes effect November 21, 1996.

FOR FURTHER INFORMATION CONTACT: Stephen K. Fischel, Chief, Legislation and Regulations Division, 202–663–1203.

SUPPLEMENTARY INFORMATION:

Public Law 104–208 Background

The President signed Pub. L. 104–208, the Department of Defense Appropriations Act, 1997, on September 30, 1996. Division C of Pub. L. 104–208 is the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (''the Act''). The Act revises several grounds of visa ineligibility, certain definitions and makes other significant changes to the Immigration and Nationality Act (INA).

Changes

As most of the Act's amendments to the INA merely revise the current text, much of the early numbering of the CFR remains the same. However, the insertion by the Act of a new INA 212(a)(9), the Act's renumbering of INA 212(a)(9) as 212(a)(10), and the Act's addition of several new grounds of ineligibility make it necessary for the Department to revise the current numbering of the visa regulations, which are designed to correlate to the INA's numbering. As a result of other INA amendments, which required the restructuring of part 40, and in the expectation that additional changes in the regulations will be required, the Department is also taking this opportunity to reserve additional sections for future use. The following derivation table for 22 CFR part 40 is provided as a guide to users of this part. The new numbering system is indicated in the table as ''NEW.'' The ''RELATIONSHIP TO OLD'' column indicates whether the new section corresponds to a prior section, will be reserved for future use, or will be a new section added because of recent changes in the law. Regulations on new or amended sections will be promulgated as necessary.

DERIVATION TABLE: 22 CFR PART 40

New	Relationship to old	INA section
40.1	40.1	101(a)
40.2	40.2	101(a) (21) & (22)
40.3	40.3	101(a)(38)
40.4	40.4	222(f)
40.5	Reserved	
40.6	40.6	221(g)
40.7 & 40.8	Reserved	
40.9	40.9	212(a)
40.11	40.11	212(a)(1)
40.12–40.19	Reserved	
40.21(a)	40.21(a)	212(a)(2)(A)(i)(I)
40.21(b)	40.21(b)	212(a)(2)(A)(i)(II)
40.22	40.22	212(a)(2)(B)
40.23	40.23	212(a)(2)(C)
40.24	40.24	212(a)(2)(D)
40.25	40.25	212(a)(2)(E)
40.26–40.29	Reserved	
40.31	40.31	212(a)(3)(A)
40.32	40.32	212(a)(3)(B)
40.33	40.33	212(a)(3)(C)
40.34	40.34	212(a)(3)(D)
40.35(a)	40.35(a)	212(a)(3)(E)(i)
40.35(b)	40.35(b)	212(a)(3)(E)(ii)
40.36–40.39	Reserved	
40.41	40.41	212(a)(4)
40.42–40.49	Reserved	
40.51	40.51	212(a)(5)(A)
40.52	40.52	212(a)(5)(B)
40.53	New	212(a)(5)(C)
40.54–40.59	Reserved	
40.61	40.61	212(a)(6)(A) Amended
40.62	40.62	212(a)(6)(B) Amended
40.63	40.63	212(a)(6)(C)
40.64	40.64	212(a)(6)(D)
40.65	40.65	212(a)(6)(E)
40.66	40.66	212(a)(6)(F)
40.67	New	212(a)(6)(G)
40.68 & 40.69	Reserved	
40.71	40.71	212(a)(7)(A)
40.72	40.72	212(a)(7)(B)
40.73–40.79	Reserved	
40.81	40.81	212(a)(8)(A)
40.82	40.82	212(a)(8)(B)
40.83–40.89	Reserved	
40.91	New	212(a)(9)(A)
40.92	New	212(a)(9)(B)
40.93	New	212(a)(9)(C)
40.94–40.99	Reserved	
40.101	40.91	212(a)(10)(A)
40.102	40.92	212(a)(10)(B)
40.103	New	212(a)(10)(C)
40.104	New	212(a)(10)(D)
40.105	New	212(a)(10)(E)
40.106–40.110	Reserved	
40.201	40.101	221(g)
40.202	40.102	212(e)
40.203	40.103	214(b)
40.204	40.104	212(o)
40.205	40.105	203(c)(2)
40.206	New	208
40.207–40.210	Reserved	
40.301	40.111	212(d)(3)(A)

Final Rule

Because these amendments to the regulations are merely non-substantive organizational changes, and do not affect the visa application process, the Department has determined that it is unnecessary to publish a proposed rule or to solicit comments from the public. See. 5 U.S.C. 553(b)(B).

This rule is not subject to the Regulatory Flexibility Act. This rule imposes no reporting or recordkeeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. This rule has been reviewed as required by E.O. 12988. This rule is exempted from the

requirements of E.O. 12866 but has been reviewed to ensure consistency therewith.

List of Subjects in 22 CFR Part 40

Aliens, Definitions, Ineligibilities.

In view of the foregoing, title 22 of the Code of Federal Regulations part 40 is amended as follows:

PART 40—REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

1. The authority citation for Part 40 is revised to read as follows:

Authority: 8 U.S.C. 1104.

2. Section 40.9 of subpart A is added to read as follows:

§ 40.9 Classes of inadmissible aliens.

Subparts B through L describe classes of inadmissible aliens who are ineligible to receive visas and who shall be ineligible for admission into the United States, except as otherwise provided in the Immigration and Nationality Act, as amended.

§§ 40.12 through 40.19 [Added and reserved]

3. Sections 40.12 through 40.19 are added to subpart B and reserved.

§§ 40.26 through 40.29 [Added and Reserved]

4. Sections 40.26 through 40.29 are added to subpart C and reserved.

§§ 40.36–40.39 [Added and Reserved]

5. Sections 40.36 through 40.39 are added to subpart D and reserved.

§§ 40.42 through 40.49 [Added and Reserved]

6. Sections 40.42 through 40.49 are added to subpart E and reserved.

§ 40.53 Uncertified foreign health-care workers. [Reserved]

7. The heading of § 40.53 is added to subpart F to read as follows and the section is reserved:

§§ 40.54–40.59 [Added and Reserved]

8. Sections 40.54 through 40.59 are added to subpart F and reserved.

9. The heading of § 40.63 of subpart G is revised to read as follows:

§ 40.40.63 Misrepresentation; Falsely claiming citizenship

10. The heading of § 40.67 is added to subpart G to read as follows and the section is reserved:

§ 40.67 Student visa abusers. [Reserved]

§§ 40.40.68–40.69 [Added and Reserved]

11. Sections 40.68 through 40.69 are added to subpart G and reserved.

§§ 40.73 through 40.79 [Added and Reserved]

12. Sections 40.73 through 40.79 are added to subpart H and reserved.

§§ 40.83–40.89 [Added and Reserved]

13. Sections 40.83 through 40.89 are added to subpart I and reserved.

Subpart J—Aliens Previously Removed

14. Subparts J, K, and L are redesignated as subparts K, L, and M, and the sections in those subparts are redesignated as set forth below.

Old CFR unit	New CFR unit
Subpart J	Subpart K
§ 40.91	§ 40.101
§ 40.92	§ 40.102
§ 40.93	§ 40.103
Subpart K	Subpart L
§ 40.101	§ 40.201
§ 40.102	§ 40.202
§ 40.103	§ 40.203
§ 40.104	§ 40.204
§ 40.105	§ 40.205
Subpart L	Subpart M
§ 40.111	§ 40.301

15. A new subpart J is added to read as follows:

Subpart J—Aliens Previously Removed

Sec.
40.91 Certain aliens previously removed. [Reserved]
40.92 Aliens unlawfully present. [Reserved]
40.93 Aliens unlawfully present after previous immigration violations. [Reserved]
40.94–40.99 [Reserved]

16. The headings of §§ 40.91 through 40.99 are added to subpart J to read as set forth above and the sections are reserved.

17. The headings of §§ 40.104 through 40.106 are added to redesignated subpart K to read as follows and the sections are reserved.

§ 40.104 Unlawful voters. [Reserved]

§ 40.105 Former citizens who renounced citizenship to avoid taxation. [Reserved]

§ 40.106–40.110 [Reserved]

18. Sections 40.106 through 40.110 are added to redesignated Subpart K and reserved.

19. The heading of § 40.206 is added to redesignated subpart L to read as follows and the section is reserved.

§ 40.206 Frivolous applications [Reserved]

§ 40.207–40.210 [Added and Reserved]

20. Sections 40.207 through 40.210 are added to redesignated Subpart L and reserved.

Dated: October 30, 1996.

Donna J. Hamilton,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 96–29564 Filed 11–20–96; 8:45 am]

BILLING CODE 4710–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5653–3]

National Oil and Hazardous Substances; Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Louisiana-Pacific Superfund Site (EPA ID # CAD065021594) from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Louisiana-Pacific Superfund Site located in Oroville, California, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of California Department of Toxic Substances Control have determined the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: November 21, 1996.

FOR FURTHER INFORMATION CONTACT: Fred Schauffler, Remedial Project Manager, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, Mail Code H–7–2, San Francisco, California 94105, (415) 744–2359.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Louisiana-Pacific Corporation site, Oroville, California.

A Notice of Intent to Delete for this site was published August 27, 1996 (61 FR 44025). The closing date for comments on the Notice of Intent to Delete was September 26, 1996. EPA received no comments.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. In accordance with NCP § 300.425(e)(3), any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action in the future. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: November 1, 1996.

John Wise,

Acting Regional Administrator, U.S. EPA Region 9.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Louisiana-Pacific Corporation site, Oroville, California.

[FR Doc. 96–29657 Filed 11–20–96; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 301

[FTR Amendment 52]

RIN 3090–AF98

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: An analysis of lodging and meal cost survey data reveals that the listing of maximum per diem rates for locations within the continental United States (CONUS) should be undated to provide for the reimbursement of Federal employees' expenses covered by per diem. This final rule increases the standard CONUS maximum per diem rate from $66 to $80, which represents a $10 increase in the maximum lodging amount, and a $4 increase in the meals and incidental expenses (M&IE) rate. This rule also increases/decreases the maximum lodging and M&IE amounts in certain existing per diem localities; removes the $26 M&IE rate. This rule also adds one additional M&IE rate of $42 for certain per diem localities; and adds new per diem localities, deletes a number of previously designated per diem localities because of the increased lodging amount in the standard CONUS rate, and changes the table in § 301–7.12(a)(2)(i) to reflect the additional M&IE rate of $42 for use when making deductions from meals furnished an employee without charge or at a nominal cost by the Federal Government.

DATES: This final rule is effective on January 1, 1997, and applies for travel performed on or after January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Joddy P. Garner, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–1538.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the Federal Register for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 301–7

Government employees, Travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR 307–7 is revised to read as follows:

PART 301–7—PER DIEM ALLOWANCES

1. The authority citation for part 301–7 continues to read as follows:

Authority: 5 U.S.C. 5701–5709.

2. Section 301–7.12 is amended by revising the table in paragraph (a)(2)(i) to read as follows:

§ 301–7.12 Reductions in maximum per diem rates when appropriate.

* * * * *

(a) * * *

(2) * * *

(i) * * *

	M & IE Rates			
	$30	$34	$38	$42
Breakfast	$6	$7	$8	$9
Lunch	6	7	8	9
Dinner	16	18	20	22
Incidentals	2	2	2	2

* * * * *

3. Appendix A to chapter 301 is revised to read as follows:

Appendix A To Chapter 301–Prescribed Maximum Per Diem Rates for CONUS

The maximum rates listed below are prescribed under § 301–7.3(a) of this chapter for reimbursement of per diem expenses incurred during official travel within CONUS (the continental United States). The amount shown in column (a) is the maximum that will be reimbursed for lodging expenses including applicable taxes. The M&IE rate shown in column (b) is a fixed amount allowed for meals and incidental expenses covered by per diem. The per diem payment calculated in accordance with part 301–7 of this chapter for lodging expenses plus the M&IE rate may not exceed the maximum per diem rate shown in column (c). Seasonal rates apply during the periods indicated.

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
CONUS, Standard rate	$50		$30		$80

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
(Applies to all locations within CONUS not specifically listed below or encompassed by the boundary definition of a listed point. However, the standard CONUS rate applies to all locations within CONUS, including those defined below, for certain relocation subsistence allowances. See parts 302–2, 302–4, and 302–5 of this subtitle.)					
Alabama:					
Birmingham, Jefferson	55		38		93
Gulf Shores, Baldwin:					
(May 1-September 30)	102		34		136
(October 1-April 30)	73		34		107
Huntsville, Madison	61		34		95
Mobile, Mobile	56		38		94
Montgomery, Montgomery	56		30		86
Arizona:					
Casa Grande, Pinal:					
(January 1-April 30)	55		30		85
(May 1-December 31)	50		30		80
Chinle, Apache:					
(April 1-October 31)	83		30		113
(November 1-March 31)	63		30		93
Flagstaff, All points in Coconino County not covered under Grand Canyon per diem area:					
(April 1-October 31)	79		34		113
(November 1-March 31)	60		34		94
Grand Canyon, all points in the Grand Canyon National Park and Kaibab National Forest within Coconino County	105		38		143
Kayenta, Navajo:					
(April 1-October 31)	93		30		123
(November 1-March 31)	62		30		92
Phoenix/Scottsdale, Maricopa:					
(October 1-May 14)	105		38		143
(May 15-September 30)	65		38		103
Prescott, Yavapai	54		34		88
Tucson, Pima County; Davis Monthan AFB:					
(November 1-May 31)	77		34		111
(June 1-October 31)	61		34		95
Yuma, Yuma	64		30		94
Arkansas:					
Hot Springs, Garland	59		30		89
Little Rock, Pulaski	65		30		95
California:					
Clearlake, Lake:					
(April 1-September 30)	61		34		95
(October 1-March 31)	52		34		86
Death Valley, Inyo	93		42		135
Eureka, Humboldt:					
(May 15-October 14)	67		34		101
(October 15-May 14)	56		34		90
Fresno, Fresno	68		34		102
Gualala/Point Area, Mendocina	124		42		166
Los Angeles, Los Angeles, Kern, Orange and Ventura Counties; Edwards AFB; Naval Weapons Center and Ordnance Test Station, China Lake	97		42		139
Mammoth Lakes/Bridgeport, Mono:					
(November 1-April 30)	72		42		114
(May 1-October 31)	59		42		101
Merced, Merced	54		34		88
Modesto, Stanislaus	58		34		92
Monterey, Monterey:					
(June 1-October 31)	79		38		117
(November 1-May 31)	71		38		109
Napa, Napa:					
November 1–March 31	76		42		118
(April-October 31)	83		42		125
Oakhurst/Madera, Madera	56		30		86
Oakland, Alameda, Contra Costa and Marin	77		34		111
Ontario/Victorville/Barstow, San Bernardino	64		38		102
Palm Springs, Riverside:					
(November 1-May 31)	79		38		117
(June 1-October 31)	62		38		100
Palo Alto/San Jose, Santa Clara	105		42		147
Redding, Shasta	55		34		89
Sacramento, Sacramento	72		38		110

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
San Diego, San Diego	84		38		122
San Francisco, San Francisco	114		42		156
San Luis Obispo, San Luis Obispo	71		38		109
San Mateo/Redwood City, San Mateo	85		38		123
Santa Barbara, Santa Barbara	98		34		132
Santa Cruz, Santa Cruz:					
(June 1-September 30)	95		38		133
(October 1-May 31)	81		38		119
Santa Rosa, Sonoma	59		38		97
South Lake Tahoe, El Dorado (See also Stateline, NV)	126		38		164
Stockton, San Joaquin	51		34		85
Tahoe City, Placer	57		38		102
Visalia, Tulare	64		38		102
West Sacramento, Yolo	60		30		90
Yosemite Nat'l Park, Mariposa:					
(April 1-October 31)	99		42		141
(November 1-March 31)	84		42		126
Colorado:					
Aspen, Pitkin:					
(January 15-March 31)	175		42		217
(April 1-January 14)	82		42		124
Boulder, Boulder:					
(May 1-October 31)	93		38		131
(November 1-April 30)	81		38		119
Colorado Springs, El Paso					
(April 1-October 31)	70		30		100
(November 1-March 31)	54		30		84
Cortez, Montezuma:					
(May 1-September 30)	65		30		95
(October 1-April 30)	52		30		82
Denver, Denver, Adams, Arapahoe and Jefferson	92		34		126
Durango, La Plata:					
(June 1-October 31)	92		34		126
(November 1-May 31)	61		34		95
Fort Collins/Loveland, Larimer:					
(May 1-September 30)	57		30		87
(October 1-April 30)	52		30		82
Glenwood Springs, Garfield	56		34		90
Grand Junction, Mesa	57		30		87
Gunnison, Gunnison:					
(June 1-September 30)	62		30		92
(October 1-May 31)	50		30		80
Keystone/Silverthorne, Summit:					
(February 1-August 31)	167		42		209
(September 1-January 31)	128		42		170
Montrose, Montrose:					
(June 1, September 30)	55		30		85
(October 1-May 31)	50		30		80
Pagosa Springs, Archuleta	53		30		83
Pueblo, Pueblo:					
(June 1-September 30)	60		30		90
(October 1-May 31)	51		30		81
Steamboat Springs, Routt:					
(December 1-March 31)	114		34		148
(April 1-November 30)	740		34		108
Telluride, San Miguel:					
(November 1-March 31)	145		38		183
(April 1-October 31)	102		38		140
Trinidad, Las Animas:					
(June 1-September 30)	67		30		97
(October 1-May 31)	50		30		80
Vail, Eagle:					
(November 1-March 31)	181		42		223
(November 1-March 31)	181		42		223
(April 1-October 31)	189		42		131
Connecticut:					
Bridgeport/Danbury, Fairfield	86		38		124
Hartford, Hartford and Middlesex	75		30		105
New Haven, New Haven	75		30		105
New London/Groton, New London:					
(June 1-October 31)	86		34		120
(November 1-May 31)	67		34		101

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Putnam/Danielson, Windham	53		30		83
Salisbury/Lakeville, Litchfield	78		34		112
Vernon, Tolland	55		30		85
Delaware:					
Dover, Kent	52		34		86
Lewes, Sussex:					
(June 1-September 14)	78		38		116
(September 15-May 31)	51		38		89
Wilmington, New Castle	83		38		121
District of Columbia:					
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) (See also Maryland and Virginia)	124		42		166
Florida:					
Altamonte Springs, Seminole	74		34		108
Bradenton, Manatee:					
(January 1-May 14)	69		30		99
(May 15-December 31)	50		30		80
Cocoa Beach, Brevard	75		34		109
Daytona Beach, Volusia:					
(February 1-August 31)	73		34		107
(September 1-January 31)	54		34		88
Fort Lauderdale, Broward:					
(December 15-April 30)	86		34		120
(May 1-December 14)	65		34		99
Fort Myers, Lee:					
(January 1-April 30)	95		34		129
(May 1-December 31)	66		34		100
Fort Pierce, Saint Lucie:					
(December 1-April 30)	60		30		90
(May 1-November 30)	50		30		80
Fort Walton Beach, Okaloosa:					
(April 1-September 14)	73		30		103
(September 15-March 31)	58		30		88
Gainesville, Alachua	59		34		93
Gulf Breeze, Santa Rosa	65		34		99
Jacksonville, Duval County; Naval Station Mayport	65		30		95
Key West, Monroe:					
(December 15-April 30)	172		42		214
(May 1-December 14)	122		42		164
Kissimmee, Osceola	67		30		97
Lakeland, Polk:					
(January 1-April 30)	63		30		93
(May 1-December 31)	55		30		85
Miami, Dade	79		42		121
Naples, Collier:					
(December 15-April 30)	94		38		132
(May 1-December 14)	61		38		99
Orlando, Orange	69		34		103
Panama City, Bay:					
(March 1-September 14)	55		30		85
(September 15-February 29)	50		30		80
Pensacola, Escambia	62		34		96
Punta Gorda, Charlotte:					
(December 15-April 14)	75		34		109
(April 15-December 14)	52		34		86
Saint Augustine, Saint Johns:					
(February 1-August 31)	60		34		94
(September 1-January 31)	50		34		84
Sarasota, Sarasota:					
(December 15-April 30)	90		34		124
(May 1-December 14)	63		34		97
Stuart, Martin:					
(January 1-April 30)	67		34		101
(May 1-December 31)	61		34		95
Tallahassee, Leon	68		34		102
Tampa/St. Petersburg, Hillsborough and Pinellas:					
(January 1-April 30)	81		38		119
(May 1-December 31)	72		38		110
Vero Beach, Indian River:					
(January 15-April 30)	86		30		116

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
(May 1-January 14)	73		30		103
West Palm Beach, Palm Beach:					
(January 1-April 30)	85		38		123
(May 1-December 31)	64		38		102
Georgia:					
Albany, Dougherty	59		30		89
Athens, Clarke	58		34		92
Atlanta, Clayton, De Kalb, Fulton, Cobb and Gwinett	96		38		134
Augusta, Richmond	53		30		83
Columbus, Muscogee	56		30		86
Conyers, Rockdale	54		30		84
Macon, Bibb	54		30		84
Savannah, Chatham	63		34		97
Idaho:					
Boise, Ada	61		34		95
Coeur d'Alene, Kootenai:					
(May 1–September 30)	67		34		101
(October 1–April 30)	55		34		89
Idaho Falls, Bonneville	52		34		86
Ketchum/Sun Valley, Blaine					
(November 1–March 31)	86		38		124
(April 1–October 31)	73		38		111
McCall, Valley	66		34		100
Sandpoint, Bonner:					
(July 1–August 31)	79		30		109
(September 1–June 30)	50		30		80
Stanley, Custer	51		34		85
Illinois:					
Bloomington, McLean	52		30		82
Champaign/Urbana, Champaign	56		34		90
Chicago, Du Page, Cook and Lake	119		42		161
Decatur, Macon	51		30		81
Joliet, Will	53		30		83
Kankakee, Kankakee	52		30		82
Peoria, Peoria	58		34		92
Rock Island, Rock Island	76		30		106
Rockford, Winnebago	63		38		101
Springfield, Sangamon	53		30		83
Indiana:					
Anderson, Madison	54		30		84
Bloomington/Crane, Monroe and Martin	51		34		85
Burlington Beach/Valparaiso, Porter	73		30		103
Carmel, Hamilton	63		38		101
Elkhart, Elkhart	52		30		82
Evansville, Vanderburgh	63		34		97
Fort Wayne, Allen	62		30		92
French Lick, Orange	57		30		87
Gary/Merrillville, Lake	57		30		87
Greenwood, Johnson	55		30		85
Indianapolis, Marion County; Fort Benjamin Harrison	71		38		109
Lafayette, Tippecanoe	57		34		91
Madison, Jefferson	52		30		82
Michigan City, La Porte	52		30		82
Muncie, Delaware	53		30		83
Nashville, Brown:					
(June 1–October 31)	112		30		142
(November 1–May 31)	90		30		120
South Bend, St. Joseph	61		30		91
Iowa:					
Bettendorf/Davenport, Scott	61		30		91
Cedar Rapids, Linn	53		34		87
Des Moines, Polk	60		30		90
Iowa City, Johnson	54		30		84
Kansas:					
Kansas City, Johnson and Wyandotte (See also Kansas City, MO)	78		42		120
Manhattan, Riley	55		30		85
Wichita, Sedgwick	63		34		97
Kentucky:					
Covington, Kenton	58		34		92
Florence, Boone	61		30		91
Lexington, Fayette	57		34		91
Lousiville, Jefferson	67		38		105

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Louisiana:					
Baton Rouge, East Baton Rouge Parish	63		34		97
Bossier City, Bossier Parish	60		30		90
Gonzales, Ascension Parish	57		30		87
Lafayette, Lafayette Parish	51		30		81
Lake Charles, Calcasieu Parish	64		30		94
New Orleans, Parishes of Jefferson, Orleans, Plaquemines and St. Bernard	70		42		112
Opelouses, Saint Landry	58		30		88
Shreveport, Caddo Parish	58		34		92
Slidell, St. Tammany Parish	51		30		81
Maine:					
Augusta, Kennebec	51		30		81
Bangor, Penobsco:					
(July 1–October 31)	57		30		87
(November 1–June 30)	50		30		80
Bar Harbor, Hancock:					
(July 1–September 14)	121		34		155
(September 15–June 30)	84		34		118
Bath, Sagadahoc:					
(June 1–September 30)	61		30		91
(October 1–May 31)	53		30		83
Calais, Washington	57		30		87
Kennebunk/Sanford, York:					
(May 1–September 30)	87		34		121
(October 1–April 30)	63		34		97
Kittery, Portsmouth Naval Shipyard (See also Portsmouth, NH):					
(June 1–October 31)	75		34		109
(November 1–May 31)	56		34		90
Portland, Cumberland:					
(July 1–October 31)	86		38		124
(November 1–June 30)	65		38		103
Rockport, Knox:					
(June 15–October 31)	94		34		128
(November 1–June 14)	65		34		99
Wiscasset, Lincoln:					
(July 1–Sepember 14)	84		30		114
(September 15–June 30)	57		30		87
Maryland:					
(For the counties of Montgomery and Prince Georges, see District of Columbia)					
Annapolis, Anne Arundel	86		38		124
Baltimore, Baltimore and Harford	96		38		134
Columbia, Howard	87		42		129
Frederick, Frederick	58		38		96
Grasonville, Queen Annes	55		34		89
Hagerstown, Washington	55		30		85
Lexington Park/St. Inigoes/Leonardtown, Saint Mary's	59		34		93
Lusby, Calvert	59		34		93
Ocean City, Worcester:					
(May 1–September 30)	152		42		194
(October 1–April 30)	77		42		119
Saint Michaels, Talbot	133		38		171
Salisbury, Wicomico:					
(June 1–September 14)	57		34		91
(September 15–May 31)	52		34		86
Massachusetts:					
Andover, Essex	77		38		115
Boston, Suffolk	116		42		158
Cambridge/Lowell, Middlesex	116		34		150
Hyannis, Barnstable:					
(July 1–September 30)	112		38		150
(October 1–June 30)	67		38		105
Martha's Vineyard/Nantucket, Dukes and Nantucket:					
(June 1–October 31)	179		42		221
(November 1–May 31)	122		42		164
Northampton, Hampshire	66		30		96
Pittsfield, Berkshire	56		34		39
Plymouth, Plymouth:					
(June 15–October 31)	87		30		117
(November 1–June 14)	64		30		94
Quincy, Norfolk	78		34		112
South Deerfield/Greenfield, Franklin	69		30		99

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Springfield, Hampden	67		30		97
Taunton/New Bedford, Bristol	58		30		88
Worcester, Worcester	61		30		91
Michigan:					
Ann Arobr, Washtenaw	67		30		97
Battle Creek, Calhoun	57		30		87
Cadillac, Wexford	53		30		83
Charlevoix, Charlevoix:					
(June 1–September 30)	94		30		124
(October 1–May 31)	50		30		80
Detroit, Wayne	84		38		122
Flint, Genesee	52		30		82
Frankfort, Benzie:					
(June 1–September 30)	64		30		94
(October 1–May 31)	50		30		80
Gaylord, Otsego:					
(June 1–September 30)	58		34		92
(October 1–May 31)	52		34		86
Grand Rapids, Kent	60		34		94
Grayling, Crawford	52		30		82
Holland, Ottawa:					
(May 1–September 30)	59		30		89
(October 1–April 30)	51		30		81
Kalamazzo, Kalamazoo	61		30		91
Lansing/East Lansing, Ingham	57		30		87
Leland, Leelanau:					
(May 1–September 30)	114		30		144
(October 1–April 30)	80		30		110
Ludington, Mason:					
(May 1–September 30)	68		30		98
(October 1–April 30)	50		30		80
Mackinac Island, Mackinac:					
(June 1–September 30)	124		38		162
(October 1–May 31)	91		38		129
Manistee, Manistee:					
(June 1–September 30)	58		30		88
(October 1–May 31)	50		30		80
Midland, Midland	65		30		95
Mount Pleasant, Isabella	56		30		86
Muskegon, Muskegon	51		30		81
Ontonagon, Ontonagon	55		30		85
Petosky, Emmet	51		34		85
Pontiac/Troy, Oakland	81		38		119
Port Huron, St. Clair	52		38		90
Sault Ste Marie, Chippewa	77		34		111
South Haven, Van Buren:					
(May 1–September 30)	70		30		100
(October 1–April 30)	55		30		85
St. Joseph/Benton Harbor/Niles, Berrien	56		34		90
Traverse City, Grand Traverse:					
(May 1–September 30)	98		34		132
(October 1–April 30)	54		34		88
Warren, Macomb	56		30		86
Minnesota:					
Duluth, St. Louis:					
(June 1–September 30)	59		38		97
(October 1–May 31)	51		38		89
Hinckley, Pine	51		30		81
Minneapolis/St. Paul, Anoka, Hennepin, Dakota and Ramsey Counties; Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), Rosemount	81		38		119
Rochester, Olmstead	61		30		91
Mississippi:					
Biloxi/Gulfport/Pascagoula/Bay St. Louis, Harrison, Jackson, and Hancock:					
(May 1–September 14)	72		34		106
(September 15–April 30)	63		34		97
Greenville, Washington	51		30		81
Jackson, Hinds	60		34		94
Philadelphia, Neshoba	60		30		90
Ridgeland, Madison	55		34		89
Robinsonville, Tunica	64		30		94
Vicksburg, Warren	51		30		81

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Missouri					
Branson, Taney:					
(May 1–October 31)	78		30		108
(November 1–April 30)	62		30		92
Cape Girardeau, Cape Girardeau	54		30		84
Hannibal, Marion:					
(June 1–September 14)	55		30		85
(September 15–May 31)	50		30		80
Jefferson City, Cole	56		30		86
Kansas City, Clay, Jackson and Platte (See also Kansas City, KS)	78		42		120
Lake Ozark, Miller	53		34		87
Osage Beach, Camden:					
(May 1–October 31)	68		34		102
(November 1–May 14)	57		34		91
Springfield, Greene	54		34		88
St. Louis, St. Charles and St. Louis	74		42		116
Montana:					
Great Falls, Cascade	54		30		84
Kalispell/Polson, Flathead and Lake	54		30		84
Nebraska:					
Kearney, Buffalo	51		30		81
Lincoln, Lancaster	53		30		83
Omaha, Douglas	63		34		97
Nevada:					
Elko, Elko	53		30		83
Incline Village:					
(June 1–September 30)	149		38		187
(October 1–May 31)	106		38		144
Las Vegas, Clark County; Nellis AFB	74		38		112
Reno, all points in Washoe County other than the city of Incline Village	56		34		90
Stateline, Douglas (See also South Lake Tahoe, CA)	126		38		164
Winnemucca, Humboldt	55		30		85
New Hampshire					
Concord, Merrimack:					
(June 1-October 31)	70		30		100
(November 1-May 31)	61		30		91
Conway, Carrol:					
(June 1-October 31)	74		34		108
(November 1-May 31)	60		34		94
Durham, Strafford:					
(May 1-October 31)	66		30		96
(November 1-April 30)	58		30		88
Hanover, Grafton and Sullivan:					
(June 1-October 31)	72		38		110
(November 1-May 31)	58		38		96
Laconia, Belknap:					
(June 1-October 31)	83		30		113
(November 1-May 31)	58		30		88
Manchester, Hillsborough	68		30		98
Portsmouth/Newington, Rockingham County; Pease AFB (See also Kittery, ME):					
(June 1-October 31)	75		34		109
(November 1-May 31)	56		34		90
New Jersey:					
Atlantic City, Atlantic:					
(April 1-November 30)	114		38		152
(December 1-March 31)	76		38		114
Belle Mead, Somerset	69		34		103
Camden/Moorestown, Camden and Burlington	77		38		115
Edison, Middlesex	66		38		104
Flemington, Hunterdon	63		34		97
Freehold/Eatontown, Monmouth County; Fort Monmouth	83		34		117
Millville, Cumberland	54		34		88
Newark, Bergen, Essex, Hudson, Passaic and Union	93		42		135
Ocean City/Cape May, Cape May:					
(May 15-September 30)	156		30		186
(October 1-May 14)	104		30		134
Parsippany/Dover, Morris County; Picatinny Arsenal	97		38		135
Princeton/Trenton, Mercer	89		38		127
Salem, Salem	51		30		81
Tom's River, Ocean:					
(June 1-September 30)	69		34		103

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
(October 1-May 31)	62		34		96
New Mexico:					
Albuquerque, Bernalillo	70		34		104
Cloudcroft, Otero	87		30		117
Farmington, San Juan	57		34		91
Gallup, McKinley	51		30		81
Las Cruces/White Sands, Dona Ana	53		30		83
Los Alamos, Los Alamos	75		34		109
Raton, Colfax:					
(June 1-August 31)	55		30		85
(September 1-May 31)	50		30		80
Santa Fe, Santa Fe:					
(May 1-October 31)	121		42		163
(November 1-April 30)	91		42		133
Taos, Taos:					
(December 1-March 31)	87		34		121
(April 1-November 30)	76		34		110
New York:					
Albany, Albany	81		38		119
Auburn, Cayuga	51		30		81
Batavia, Genesee	60		34		94
Binghamton, Broome	62		34		96
Buffalo, Erie	80		38		118
Catskill, Greene:					
(June 1-September 14)	66		30		96
(September 15-May 31)	53		30		83
Corning, Steuben	61		34		95
Glens Falls, Warren:					
(June 1-October 31)	84		38		122
(November 1-May 31)	59		38		97
Ithaca, Tompkins	62		30		92
Kingston, Ulster	51		34		85
Lake Placid, Essex:					
(June 1-November 14)	88		34		122
(November 15-May 31)	59		34		93
Monticello, Sullivan	62		34		96
New York City, the boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island; Nassau and Suffolk Counties	153		42		195
Niagara Falls, Niagara:					
(May 15-October 31)	77		34		111
(November 1-May 14)	63		34		97
Oswego, Oswego	61		30		91
Owego, Tioga	57		30		87
Palisades/Nyack, Rockland	60		34		94
Plattsburgh, Clinton	54		34		88
Poughkeepsie, Dutchess	74		30		104
Rochester, Monroe	74		42		116
Romulus/Waterloo, Seneca	65		30		95
Saratoga Springs, Saratoga:					
(May 1-October 31)	94		38		132
(November 1-April 30)	53		38		91
Schenectady, Schenectady	61		34		95
Syracuse, Onondaga	68		34		102
Utica, Oneida	60		34		94
Watertown, Jefferson	59		30		89
Watkins Glen, Schuyler:					
(May 1-October 31)	88		30		118
(November 1-April 30)	58		30		88
West Point, Orange	53		30		83
White Plains, Westchester	105		42		147
North Carolina:					
Asheville, Buncombe:					
(May 1-October 31)	79		34		113
(November 1-April 30)	30		34		84
Charlotte, Mecklenburg	61		38		99
Duck/Outer Banks, Dare:					
(May 1-September 30)	134		34		168
(October 1-April 30)	50		34		84
Fayetteville, Cumberland	52		30		82
Greensboro/High Point, Guilford	60		34		94
Morehead City, Carteret	60		30		90
New Bern/Havelock, Craven	53		30		83

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Research Park/Raleigh/Durham/Chapel Hill, Wake, Durham and Orange	86		38		124
Wilmington, New Hanover:					
(March 1-September 30)	66		30		96
(October 1-February 29)	58		30		88
Winston-Salem, Forsyth	64		34		98
Ohio:					
Akron, Summit	73		34		107
Bellevue/Norwalk, Huron:					
(May 1-September 30)	90		30		120
(October 1-April 30)	55		30		85
Cambridge, Guernsey	55		30		85
Canton, Stark	55		30		85
Cincinnati/Evendale, Hamilton and Warren	66		34		100
Cleveland, Cuyahoga	78		38		116
Columbus, Franklin	70		34		104
Dayton/Fairborn, Montgomery and Greene; Wright Patterson AFB	67		30		97
Elyria, Lorain:					
(May 1-September 30)	67		30		97
(October 1-April 30)	52		30		82
Fairfield/Hamilton, Butler	59		30		89
Findlay, Hancock	55		30		85
Geneva, Ashtabula	76		30		106
Jackson, Jackson and Pike	53		30		83
Lancaster, Fairfield	58		30		88
Perrysburg, Wood	72		30		102
Port Clinton/Oakharbor, Ottawa:					
(June 1-September 30)	81		30		111
(October 1-May 31)	56		30		86
Portsmouth, Scioto	52		30		82
Sandusky, Erie:					
(May 1-September 30)	109		30		139
(October 1-April 30)	55		30		85
Springfield, Clark	53		34		87
Tinney/Fremont, Sandusky:					
(June 1-September 14)	60		30		90
(September 15-May 31)	50		30		80
Toledo, Lucas	56		34		90
Oklahoma:					
Eufaula, McIntosh	56		30		86
Norman, Cleveland	53		30		83
Oklahoma City, Oklahoma	66		30		96
Tulsa/Bartlesville, Osage, Tulsa and Washington	55		30		85
Oregon:					
Ashland/Medford, Jackson	78		38		116
Beaverton, Washington	70		38		108
Bend, Deschutes	63		30		93
Clackamas/Milwaukie, Clackamas	78		30		108
Coos Bay, Coos	53		30		83
Crater Lake/Klamath Falls, Klamath	99		38		137
Eugene/Florence, Lane	67		34		101
Gold Beach, Curry:					
(May 15–October 31)	64		30		94
(November 1–May 14)	50		30		80
Lincoln City/Newport, Lincoln:					
(June 1–October 31)	94		38		132
(November 1–May 31)	72		38		110
Portland, Multnomah	87		38		125
Salem, Marion	57		30		87
Seaside, Clatsop:					
(May 1–September 30)	72		30		102
(October 1–April 30)	65		30		95
Pennsylvania:					
Allentown, Lehigh	61		34		95
Chester/Radnor, Delaware	103		42		145
Easton, Northampton	53		30		83
Erie, Erie,	61		30		91
Gettysburg, Adams:					
(May 1–October 31)	68		34		112
(November 1–April 30)	62		34		96
Harrisburg, Dauphin	74		34		108
King of Prussia/Ft. Washington, Montgomery County, except Bala Cynwyd (See also Philadelphia, PA)	80		38		118

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Lancaster, Lancaster	71		34		105
Lebanon, Lebanon County; Indian Town Gap Military Reservation	54		30		84
Mechanicsburg, Cumberland	61		30		91
Mercer, Mercer	53		30		83
Philadelphia, Philadelphia County; city of Bala Cynwd in Montgomery County	100		38		138
Pittsburgh, Allegheny	83		38		121
Reading, Berks	64		30		94
Scranton, Lackawanna	57		34		91
Shippingport/Beaver Falls, Beaver	51		30		81
State College, Centre	67		34		101
Uniontown, Fayette	56		30		86
Valley Forge/Malvern, Chester	90		38		128
Warminster, Bucks County; Naval Air Development Center	60		34		94
York, York	56		34		90
Rhode Island:					
East Greenwich, Kent County; Naval Construction Battalion Center, Davisville	84		34		118
Newport/Block Island, Newport and Washington:					
(May 1–October 14)	99		42		141
(October 15–April 30)	81		42		123
Providence, Providence	87		42		129
South Carolina:					
Aiken, Aiken	53		30		83
Charleston, Charleston and Berkeley	62		34		96
Columbia, Richland	58		30		88
Greenville, Greenville	75		38		113
Hilton Head, Beaufort:					
(March 1–September 30)	83		34		117
(October 1–February 29)	61		34		95
Myrtle Beach, Horry County; Myrtle Beach AFB:					
(May 1–September 30)	96		34		130
(October 1–April 30)	58		34		92
Spartanburg, Spartanburg	53		30		83
South Dakota:					
Custer, Custer:					
(June 1–September 30)	73		30		103
(October 1–May 31)	52		30		51
Hot Springs, Fall River:					
(May 1–September 30)	75		30		105
(October 1–April 30)	50		30		80
Rapid City, Pennington:					
(June 1–August 31)	85		30		115
(September 1–May 31)	51		30		81
Sioux Falls, Minnehaha	51		30		81
Spearfish, Lawrence:					
(May 1–September 14)	65		30		95
(September 15–April 30)	51		30		81
Tennessee:					
Chattanooga, Hamilton	61		30		91
Gatlinburg, Sevier	74		34		108
Johnson City, Washington	53		30		83
Knoxville, Knox County; city of Oak Ridge	63		34		97
Memphis, Shelby	69		30		99
Murfreesboro, Rutherford	55		30		85
Nashville, Davidson	82		38		120
Townsend, Blount	70		30		100
Texas:					
Abilene, Taylor	59		30		89
Amarillo, Potter	54		30		84
Austin, Travis	74		34		108
Brownsville, Cameron	54		30		84
College Station/Bryan, Brazos	52		30		82
Corpus Christi/Ingelside, Nueces and San Patricio	64		30		94
Dallas/Fort Worth, Dallas and Tarrant	84		42		126
Eagle Pass, Maverick	54		30		84
El Paso, El Paso	68		34		102
Fort Davis, Jeff Davis	64		30		94
Galveston, Galveston:					
(May 1–September 14)	77		42		119
(September 15–April 30)	67		42		109
Granbury, Hood	52		30		82

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Houston, Harris County; L.B. Johnson Space Center and Ellington AFB	78		38		116
Lajitas, Brewster	58		30		88
Laredo, Webb	60		30		90
Lubbock, Lubbock	60		34		94
McAllen, Hidalgo	62		30		92
Midland/Odessa, Ector and Midland	55		30		85
Plano, Collin	84		34		118
San Antonio, Bexar	94		34		128
Temple, Bell	52		30		82
Tyler, Smith	52		30		82
Victoria, Victoria	53		30		83
Waco, McLennan	57		30		87
Utah:					
Bullfrog, Garfield:					
(April 1–October 31)	115		34		149
(November 1–March 31)	80		34		114
Cedar City, Iron:					
(June 1–September 30)	64		30		94
(October 1–May 31)	50		30		80
Moab, Grand	88		30		118
Park City, Summit:					
(December 1–March 31)	147		42		189
(April 1–November 30)	84		42		126
Provo, Utah	63		34		97
Salt Lake City/Ogden, Salt Lake, Weber, and Davis Counties; Dugway Proving Ground and Tooele Army Depot	75		38		113
St. George, Washington	52		34		86
Vernal, Uintah:					
(May 1–September 14)	55		30		85
(September 15–April 30)	50		30		80
Vermont:					
Brattleboro, Windham	53		30		83
Burlington, Chittenden	64		34		98
Manchester, Bennington	102		34		136
Middlebury, Addison:					
(May 1–October 31)	79		34		113
(November 1–April 30)	62		34		96
Montpelier, Washington	55		30		85
Rutland, Rutland:					
(December 15–March 31)	58		30		88
(April 1–December 14)	53		30		83
St. Albans, Franklin	53		30		83
White River Junction, Windsor:					
(June 1–October 31)	72		30		102
(November 1–May 31)	58		30		88
Virginia:					
(For the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington, Fairfax, and Loudoun, see District of Columbia)					
Blacksburg, Montgomery	51		30		81
Charlottseville*	56		42		98
Lexington*	53		30		83
Lynchburg*	62		34		96
Manassas/Manassas Park*, Prince William	53		30		83
Richmond*, Chesterfield and Henrico Counties; also Defense Supply Center	70		38		108
Roanoke*	54		34		88
Virginia Beach*, Virginia Beach (also Norfolk, Portsmouth and Chesapeake):*					
(May 1-September 30)	108		38		146
(October 1-April 30)	77		38		115
Wallops Island, Accomack:					
(June 1-October 14)	91		30		121
(October 15-May 31)	70		30		100
Williamsburg*, Wililamsburg (also Hampton, Newport News, York County, Naval Weapons Station, Yorktown)*:					
(April 1-October 31)	91		34		125
(November 1-March 31)	65		34		99
Wintergreen, Nelson	103		42		145
Washington:					
Anacortes/Mt. Vernon/Whidbey Island, Skagit and Island:	51		30		81
(May 1-October 14)	69		34		103
(October 15-April 30)	59		34		93
Bellingham, Whatcom	56		34		90

Per diem locality: Key city,[1] County and/or other defined location [2, 3]	Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Bremerton, Kitsap	57		30		87
Friday Harbor, San Juan.					
(June 1-October 31)	84		38		122
(November 1-May 31)	71		38		109
Kelso/Longview, Cowlitz	53		34		87
Lynnwood/Everett, Snohomish	65		34		99
Ocean Shores, Grays Harbor:					
(April 1-September 30)	69		34		103
(October 1-March 31)	55		34		89
Port Angeles, Clallam:					
(May 15-September 30)	71		34		105
(October 1-May 14)	51		34		85
Port Townsend, Jefferson:					
(April 15-October 31)	81		30		111
(November 1-April 14)	64		30		94
Seattle, King	98		38		136
Spokane, Spokane	67		38		105
Tacoma, Pierce	60		30		90
Tumwater/Olympia, Thurston	64		30		94
Vancouver, Clark	68		34		102
West Virginia:					
Berkeley Springs, Morgan	82		30		112
Charleston, Kanawha	58		30		88
Harpers Ferry, Jefferson	66		30		96
Martinsburg, Berkeley	62		30		92
Morgantown, Monongalia	65		30		95
Parkersburg, Wood	52		30		82
Wheeling, Ohio	53		34		87
Wisconsin:					
Appleton, Outagamie	61		30		91
Brookfield, Waukesha	66		38		104
Eagle River, Vilas:					
(June 1-September 30)	59		30		89
(October 1-May 31)	50		30		80
Eau Claire, Eau Claire	55		34		89
Green Bay, Brown	68		30		98
La Crosse, La Crosse	55		34		89
Lake Geneva, Walworth:					
(May 1-October 31)	99		34		133
(November 1-April 30)	69		34		103
Madison, Dane	62		34		96
Milwaukee, Milwaukee	70		34		104
Mishicot, Manitowoc	52		30		82
Oshkosh, Winnebago	55		34		89
Racine/Kenosha, Racine and Kenosha	58		34		92
Rhinelander/Minocqua, Oneida	52		30		82
Sheboygan/Plymouth, Sheboygan	51		30		81
Sturgeon Bay, Door:					
(June 1-September 14)	65		30		95
(September 15-May 31)	50		30		80
Wautoma, Waushara	51		30		81
Wisconsin Dells, Columbia:					
(June 1–September 14)	107		38		145
(September 15–May 31)	54		38		92
Wyoming:					
Cody, Park:					
(May 1–September 30)	88		30		118
(October 1–April 30)	52		30		82
Jackson, Teton:					
(June 1–October 14)	102		42		144
(October 15–May 31)	64		42		106
Thermopolis, Hot Springs:					
(June 1–September 14)	62		30		92
(September 15–May 31)	50		30		80

*Denotes independent cities.

[1] Unless otherwise specified, the per diem locality is defined as ''all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries.''

[2] Per diem localities with county definitions shall include ''all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties.''

[3] Military installations or Government-related facilities (whether or not specifically named) that are located partially within the city or county boundary shall include ''all locations that are geographically part of the military installation or Government-related facility, even though part(s) of such activities may be located outside the defined per diem locality.

[4] Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be reviewed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Office of Governmentwide Policy, Attn: Travel and Transportation Management Policy Division (MTT), Washington, DC 20405. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus or subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the locations. Agencies should submit their requests to GSA no later than May 1 in order for a city to be included in the annual review.

Dated: November 15, 1996.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 96–29768 Filed 11–20–96; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 440

[MB–102–F]

Medicaid Program: Family Planning Services and Supplies for Individuals of Child-bearing Age

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correcting amendment.

SUMMARY: This document makes a technical amendment to a Medicaid regulation under 42 CFR 440.40(c) to restore an inadvertent omission of a paragraph designation related to family planning services and supplies for individuals of child-bearing age.

EFFECTIVE DATE: November 10, 1994.

FOR FURTHER INFORMATION CONTACT: Linda Tavener, (410) 786–3838.

SUPPLEMENTARY INFORMATION: On November 10, 1994, we published a final rule in the Federal Register (59 FR 56116) related to Survey, Certification and Enforcement of Skilled Nursing Facilities and Nursing Facilities. In that rule, we inadvertently omitted a heading and reserved designation of § 440.40(c). This paragraph designation must be included to show that family planning services and supplies for individuals of child-bearing age are covered Medicaid services under § 440.40. At the present time, there are no Federal regulations regarding these services but we are reserving this paragraph for future use. The States can define these services as they see appropriate.

List of Subjects in 42 CFR Part 440

Grant programs—health, Medicaid.

42 CFR part 440 is amended as set forth below:

PART 440—SERVICES: GENERAL PROVISIONS

A. The authority citation for part 440 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42) U.S.C. 1302).

§ 440.40 [Corrected]

B. In § 440.40 the section heading is revised and paragraph (c) is added to read as follows:

§ 440.40 Nursing facility services for individuals age 21 or older (other than services in an institution for mental disease, EPSDT, and family planning services and supplies.

* * * * *

(c) *Family planning services and supplies for individuals of child-bearing age. [Reserved]*

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 7, 1996.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 96–29397 Filed 11–20–96; 8:45 am]

BILLING CODE 4120–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 43

[CC Docket No. 90–337, FCC 96–160]

Regulation of International Accounting Rates

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On April 9, 1996, the Federal Communications Commission adopted a *Third Report and Order and Order on Reconsideration* (''Order'') that establishes standards for reporting when a carrier interconnects an international private line to the U.S. Public Switched Network (PSN). With this Order we require that any carrier that interconnects an international private line to the PSN at the central office report on an annual basis its arrangements for such interconnection. However, we require these carriers to fulfill their § 43.15 notification requirements by filing only information on the country of origin, and number and type of private lines interconnected for each customer during the reporting period. This decision reaffirms our longstanding policy of allowing end users to interconnect their international private lines to the public switched network for their own use, while enabling us to better monitor the effects of our resale rules.

In taking this action, the Commission's objective is to enhance its ability to monitor and assess the impact of end user interconnections on our international settlements policy, and to enhance the ability of the Commission and interested parties to monitor for unauthorized private line resale, while being sensitive to end users' reluctance to disclose commercially sensitive or proprietary information.

EFFECTIVE DATE: This rule is effective December 23, 1996, except § 43.51(d) which contains new information collections which will not become effective until approval by Office of Management and Budget (OMB). The Commission will publish a document in the Federal Register at a later date establishing the effective date.

ADDRESSES: Submit all comments concerning the Paperwork Reduction Act to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, D.C. 20503 or via the Internet to fain__t@al.cop.gov.

FOR FURTHER INFORMATION CONTACT: Susan O'Connell, Attorney, International Bureau, (202) 418–1460. For additional information concerning

the information collections contained in the Order contact Dorothy Conway at (202) 418–0217, or via the Internet to dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Report and Order and Order on Reconsideration* adopted on April 9, 1996, and released on May 20, 1996 (FCC 96–160). The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., N.W., Washington D.C. The complete text also may be purchased from the Commission's Copy contractor, International Transcription Service, Inc. (202) 857–3800, 2100 M St., N.W., Suite 140, Washington D.C. 20037.

Paperwork Reduction Act

This *Third Report and Order and Order on Reconsideration* contains a proposed information collection subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Order. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

This Order contains a proposed information collection. Written comments by the public on the information collections should be submitted on or before December 23, 1996. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

A copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, DC 20502 or via the Internet to fain__t@al.eop.gov.

OMB Approval Number: 3060–.

Title: Common Carrier International Telecommunications Services.

Form No.: N/A.

Type of Review: New collection.

Respondents: Carriers interconnecting their private lines to the U.S. Public Switched Network.

Number of Respondents: 10.

Estimated Time Per Response: 8.

Total Annual Burden: 80.

Estimated costs per respondent: none.

Needs and Uses: The collections of information for which approval is here sought are contained in amendments to Part 43 and in the Order adopting such amendments. These information collections are authorized and necessary for the Commission to carry out its statutory mandate, pursuant to Sections 1, 4, 201–205, 211, 214, 218–220, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154, 201–205, 211, 214, 218–220, and 303, and Part 43 of the Commission's Rules.

The information collections contained in amendments to Part 43 are necessary to assist us in reviewing the impact, if any, that end user private line interconnections have on our international settlements policies. The information collections will also enhance the ability of the Commission and interested parties to monitor for unauthorized resale, thus preserving the integrity of our international resale policy.

The information will be used by the Commission staff in carrying out its duties under the Communications Act. Common carriers that interconnect an international private line to the PSN at the carrier's switch, including any switch in which the carrier obtains capacity either through lease or otherwise, would report on an annual basis certain information about its arrangements for such interconnection under Part 43 of the Commission's rules, as modified by the Commission's Order.

Summary of the Third Report and Order and Order on Reconsideration

1. In response to the *Order on Reconsideration and Third Further Notice Proposed Rulemaking* in Phase II of Regulation of International Accounting Rates (57 FR 62543 (December 31, 1992)), the Commission adopts this *Third Report and Order and Order on Reconsideration* (''Order''). This Order modifies current standards for reporting the interconnection of international private lines to the U.S. PSN.

2. Our December 1991 *International Resale Order* authorized the resale of international private lines to provide switched services. However, we recognized that ''one-way'' resale of international private lines would tend to divert International Message Telephone Service (IMTS) traffic from the settlements process and increase the U.S. net settlements deficit. We accordingly required U.S. carriers to permit resale of their international private lines only to those countries that afford U.S.-based resellers ''equivalent'' resale opportunities. Our international resale policy, however, did not alter our policy of allowing end users to attach their private lines to the U.S. PSN for their own use. Section 43.51(a)(3) currently requires U.S. carriers to file a notification of any *intercarrier* agreement for the interconnection of an international private line to the U.S. PSN at the carrier's central office, whether on behalf of a reseller or an end user. In the Order, we discerned no reason to distinguish between intercarrier interconnection agreements entered into on behalf of end users, and interconnection agreements entered into directly by the carrier and the end users itself. Accordingly, we ordered that Section 43.51 be amended to require that carriers also notify the Commission of any agreement for private line interconnection entered into directly by a carrier and an end user.

3. Addressing commenters' concerns over the potential disclosure of commercially sensitive information, we also ordered an amendment to 47 CFR § 43.51 to require only certain limited information. Specifically, we will require carriers interconnecting an international private line to the U.S. PSN to report on the country of origin and the number and type (*e.g.*, 64-kbps circuit) of private lines interconnected for each customer (whether a reseller or end user). The identity of the customer need not be reported. In recognition of commenters' concerns over the disclosure of the country of origin, we will treat the country of origin information as confidential. Further, we only require that this information be reported on an annual basis. We clarify that the carrier that we require to report the interconnection is the carrier that is itself making the physical interconnection at its switch, including any switch in which the carrier obtains capacity, whether by lease or otherwise.

4. We believe that this data will assist us in reviewing the impact, if any, that end user private line interconnections

have on our international settlements policies, and will also enhance the ability of the Commission and interested parties to monitor for unauthorized resale, thus preserving the integrity of our international resale policy. We further conclude that, by requiring interconnecting carriers to file only this limited information, and by keeping the country of origin confidential, we address the commenting parties' concern that we not require the disclosure of commercially sensitive or proprietary information. We believe that this policy strikes the proper balance between our need for such data and the need to protect against the unnecessary disclosure of such data. Finally, because the equivalency of such markets obviates the need for such data, interconnections of international private lines to Canada, the United Kingdom, Sweden, and any other countries which we find to satisfy our equivalency standard need not be reported. We exempt private lines to these points from this requirement.

5. By making these changes to § 43.51 we grant in part CITU's Petition for Reconsideration. Rather than require that carriers file copies of their intercarrier agreements for private line interconnection, we require only that carriers file certain limited information. This change responds to CITU's concern that we permit carriers to file redacted versions of interconnection agreements. It is also less burdensome than requiring that the actual interconnection agreement be filed. While CITU's Petition appeared concerned primarily with disclosure of proprietary information of end users, as opposed to resellers, we find no reason on reconsideration to require copies of any agreements for private line interconnection to be filed.

Final Regulatory Flexibility Act Analysis

Pursuant to Section 603 of Title 5, United States Code, 5 U.S.C. 603, an initial Regulatory Flexibility Analysis was incorporated in the Notice of Proposed Rulemaking in CC Docket 90–337. Written comments on the proposals in the Notice, including the Regulatory Flexibility Analysis, were requested.

A. Need and Purpose of Rules

With this Order we modify § 43.51 of our Rules to require any carrier that interconnects an international private line to the U.S. PSN at the carrrier's switch, including any switch in which the carrier obtains capacity, whether by lease or otherwise, to report all such interconnections on an annual basis. Interconnections of private lines between the United States and countries deemed by the Commission to offer ''equivalent'' private line resale opportunities are exempt from this requirement. We are requiring that only certain limited information be submitted. This information is limited to the country of origin (which will be treated as confidential) and the number and type of circuits for each customer. This reporting requirement enhances our ability to monitor and assess the impact of end user interconnections on our international settlements policy, as well as the Commission's and interested parties' ability to monitor for unauthorized resale of private lines, while also being sensitive to end users' reluctance to disclose commercially sensitive or proprietary information.

B. Issues Raised by the Public in Response to the Initial Analysis

In this proceeding commenters requested that we clarify our current notification requirements, protect from disclosure commercially sensitive business information of end users, and exempt from the notification requirement interconnections of private lines to countries found to offer equivalent resale opportunities.

C. Significant Alternatives Considered

We have attempted to balance all of the commenters' concerns with our public interest mandate under the Act. We modify § 43.51 to require that carriers notify us of all private line interconnection agreements. Based on the record before us, we see no reason to distinguish between intercarrier interconnection agreements entered into on behalf of end users, and interconnection agreements entered into directly by a carrier and an end user itself. We modify this section, however, to require notification only on an annual basis and to require only certain limited information: the country of origin and the number and type of private lines interconnected for each customer. Additionally, we will treat the country of origin as confidential, and exempt from the scope of § 43.51 private lines to countries that we find to satisfy our equivalency standard. These modifications will reduce unnecessarily burdensome filing requirements and responds to carriers' and end users' concerns over disclosing commercially sensitive information.

Ordering Clauses

Accordingly, *it is ordered* that pursuant to authority contained in Sections 1, 4, 201–205, 211, 214, 218–220, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154, 201–205, 211, 214, 218–220, and 303, Part 43 of the Commission's Rules, 47 CFR Part 43 *is amended* as set forth below.

It is further ordered that the policies, rules, and requirements set forth herein *are adopted*.

It is further ordered that CITU's Petition for Clarification and in the Alternative for Partial Reconsideration *is granted* in part and *denied* in part as set forth herein.

It is further ordered that this rule is effective December 23, 1996, except § 43.51(d) which contains new information collections which will not become effective until approval by Office of Management and Budget (OMB). The Commission will publish a document in the Federal Register at a later date establishing the effective date.

List of Subjects in 47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 43 of title 47 of the Code of Federal Regulations is amended as follows:

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

1. The authority citation for Part 43 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 220, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

2. Section 43.51 is amended by removing paragraph (a)(3), redesignating paragraph (a)(4) as paragraph (a)(3), adding the word ''and'' at the end of paragraph (a)(2), redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 43.51 Contracts and concessions.

* * * * *

(d) Any U.S. carrier that interconnects an international private line to the U.S. Public Switched Network, at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief of the International Bureau a certified statement containing the number and type (e.g., 64-kbps circuits) of private lines interconnected in such a manner. The certified statement shall specify the number and

type of interconnected private lines on a country specific basis. The identity of the customer need not be reported, and the Commission will treat the country of origin information as confidential. Carriers need not file their contracts for such interconnections, unless they are specifically requested to do so. These reports shall be filed on a consolidated basis on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which we find to satisfy our equivalency standard at any time during a particular reporting period are exempt from this requirement.

* * * * *

[FR Doc. 96–29295 Filed 11–20–96; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 63

Common Carrier Applications; Correction

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published on November 18, 1980 (45 FR 76169). The regulations related to requirements for common carrier applications under section 214 of the Communications Act of 1934.

EFFECTIVE DATE: November 21, 1996.

FOR FURTHER INFORMATION CONTACT: Richard Cameron, (202) 418–2326.

SUPPLEMENTARY INFORMATION:

Background

Sections 63.91 and 63.502 were removed by the Commission in the publication of January 16, 1980 (45 FR 3037) and in § 61.15(a), the definition of ''non-dominant'', was redesignated as § 61.3(u) in the publication of April 25, 1995 (60 FR 20052).

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 47 CFR Part 63

Communications common carriers, Reporting and recordkeeping requirements, Telegraph, Telephone.

Accordingly, 47 CFR Part 63 is corrected by making the following correcting amendments:

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

1. The authority citation for Part 63 continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–205, 218 and 403 of the Communications Act of 1934, as amended; 47 U.S.C. Secs. 154, 154(i), 154(j), 201–205, 218 and 403, unless otherwise noted.

§ 63.52 [Corrected]

2. Section 63.52 is amended by removing the references ''63.91,'' and ''63.502,'' in the first sentence of paragraph (b).

§ 63.61 [Corrected]

3. Section 63.61 is amended by removing the reference ''61.15(a)'' and adding in its place the reference ''61.3(u)''.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–29637 Filed 11–20–96; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 61, No. 226
Thursday, November 21, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–135, Notice No. SC–96–8–NM]

Special Conditions: Boeing Model 767–27C, Airborne Warning and Control System Modification (AWACS) Airplanes; Liquid Oxygen

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for Boeing Model 767–27C airplanes, modified by installation of an Airborne Warning and Control System (AWACS). These airplanes will be equipped with an oxygen system utilizing liquid oxygen for storage to allow extended, unpressurized operations. The applicable regulations do not contain adequate or appropriate safety standards for the design and installation of oxygen systems utilizing liquid oxygen for storage. This notice contains the additional safety standards that the Administrator considers necessary to ensure that the design and installation of the oxygen system utilizing liquid oxygen for storage is such that a level of safety equivalent to that established by the airworthiness standards for transport category airplanes is provided.

DATES: Comments must be received on or before December 23, 1996.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attention: Rules Docket (ANM–7), Docket No. NM–135, 1601 Lind Avenue SW, Renton, Washington 98055–4056; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM–135. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: William Schroeder, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98055–4056; telephone (206) 227–2148.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before further rulemaking action is taken on this proposal. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. NM–135.'' The postcard will be date stamped and returned to the commenter.

Background

On May 25, 1993, Boeing Commercial Airplane Group-Wichita Division, applied for a supplemental type certificate (STC) to modify Boeing Model 767–27C airplanes to an Airborne Warning and Control System (AWACS) configuration. The AWACS modification includes installation of equipment consoles, seats for console operators, a liquid oxygen (LOX) system (liquid oxygen converter, valves, evaporating coils, lines, regulators, indicators, fittings, etc.), and a radome on the top of the airplane. Boeing will modify the aft lower lobe with hydraulics for the AWACS antenna drive unit, high-powered radio frequency units for the AWACS radar, and other AWACS hardware. Boeing has designed the LOX installation to allow extended unpressurized operation at 25,000 feet. The FAA will approve the performance of the oxygen system during certification testing.

There are no specific regulations that address the design and installation of oxygen systems that utilize liquid oxygen. Existing requirements, such as §§ 25.1309, 25.1441 (b) & (c), 25.1451, and 25.1453 in the Boeing Model 767–27C original type certification basis, applicable to this modification, provide some design standards for crew and medical oxygen system installations. However, the FAA must specify additional standards for systems utilizing liquid oxygen to ensure that an acceptable level of safety is maintained.

Supplemental Type Certification Basis

Under the provisions of §§ 21.101 (a) and (b), Boeing Commercial Airplane Group must show that the modified Model 767–27C continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate (TC) No. A1NM, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in TC A1NM are basically as follows: Part 25 of the FAR, as amended by Amendments 25–1 through 25–37, plus certain later amended sections as specified in Type Certificate Data Sheet A1NM. In addition, the certification basis includes certain special conditions, exemptions and optional requirements that are not relevant to these special conditions. Also, the modified Model 767–27C must continue to comply with the fuel venting and exhaust emission requirements of part 34 (previously Special Aviation Regulation 27), and the noise certification requirements of part 36 in effect on the date the STC is issued.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended and applicable) do not contain adequate or appropriate safety standards for the modified Model 767–27C because of a novel or unusual design feature, special

conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by § 11.28 and § 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplement type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to the other model under the provisions of § 21.101(a)(1).

Discussion

There are no specific regulations that address the design and installation of oxygen systems that utilize liquid oxygen for storage. Existing requirements, such as §§ 25.1309, 25.1441 (b) and (c), 25.1451, and 25.1453 of the Boeing 767–200 series certification basis applicable to this STC project, provide some design standards appropriate for oxygen system installations. However, additional design standards for oxygen systems utilizing liquid oxygen are needed to supplement the existing applicable requirements. The quantity of liquid oxygen involved in this installation and the potential for unsafe conditions that may result when the oxygen content of an enclosed area becomes too high because of system leaks, malfunction, or damage from external sources, make it necessary to assure adequate safety standards are applied to the design and installation of the system in Boeing Model 767–27C airplanes.

To ensure that a level of safety is achieved for modified Boeing Model 767–27C airplanes, utilizing liquid oxygen as a storage medium for an oxygen system, equivalent to that intended by the regulations incorporated by reference, special conditions are needed which require those oxygen systems to be designed and installed to preclude or minimize the existence of unsafe conditions that can result from system leaks, malfunction, installation, or damage from external sources.

Application by Boeing for approval of oxygen systems utilizing liquid oxygen as a storage medium installed in transport airplanes, and the unsafe conditions that can exist when the oxygen content of an enclosed area becomes too high because of system leaks, malfunction, installation or damage from external sources, make development and application of appropriate additional design and installation standards necessary.

As discussed above, these special conditions are applicable initially to the Boeing Model 767–27C airplane. Should Boeing Commercial Airplane Group apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on one model series of airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Boeing Model 767–27C airplanes modified to an AWACS configuration.

a. The liquid oxygen converter and other oxygen equipment shall not be installed where baggage, cargo, or loose equipment are stored (unless items are stored within an appropriate container which is secured or restrained by acceptable means).

b. The liquid oxygen converter shall be located in the aircraft so that there is no risk of damage due to an uncontained rotor or fan blade failure.

c. The liquid oxygen system and associated gaseous oxygen distribution lines should be designed and located to minimize the hazard from uncontained rotor debris.

d. The flight deck oxygen system shall meet the supply requirements of Part 121 after the distribution line has been served by a rotor fragment.

e. The pressure relief values on the liquid oxygen converters shall be vented overboard through a drain in the bottom of the aircraft. Means must be provided to prevent hydrocarbon fluid migration from impinging upon the vent outlet of the liquid oxygen system.

f. The system shall include provisions to ensure complete conversion of the liquid oxygen to gaseous oxygen.

g. If multiple converters are used and manifolded together, check valves shall be installed so that a leak in one converter will not allow leakage of oxygen from any other converter.

h. Flexible hoses shall be used for the aircraft systems connections to shock-mounted converters, where movement relative to the aircraft may occur.

i. Condensation from system components or lines shall be collected by drip pans, shields, or other suitable collection means and drained overboard through a drain fitting separate from the liquid oxygen vent fitting, as specified in (e) above.

j. Oxygen system components shall be burst pressure tested to 3.0 times, and proof pressure tested to 1.5 times, the maximum normal operating pressure. Compliance with the requirement for burst testing may be shown by analysis, or a combination of analysis and test.

k. Oxygen system components shall be electrically bonded to the aircraft structure.

l. All gaseous or liquid oxygen connections located in close proximity to an ignition source shall be shrouded and vented overboard using the system specified in (e) above.

m. A means will be provided to indicate the quantity of oxygen in the converter and oxygen availability to the flightcrews.

Issue in Renton, Washington, on November 13, 1996.

James V. Devany,

Acting Manager, Transport Airplane Directorate; Aircraft Certification Service, ANM–100.

[FR Doc. 96–29822 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 92–CE–41–AD]

RIN 2120–AA64

Airworthiness Directives: Louis L'Hotellier, S.A., Ball and Swivel Joint Quick Connectors

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to Louis L'Hotellier S.A. (L'Hotellier) ball and swivel joint quick connectors installed on gliders and sailplanes that are not equipped with a ''Uerling'' sleeve or an LS-safety sleeve. These connectors allow the operator of the gliders and sailplanes to quickly connect and disconnect the control systems during assembly and disassembly for storage

purposes. The proposed action would require enlarging the safety pin guide hole diameter, and fabricating and installing a placard that specifies a check of the security of the connectors prior to each flight. Several in-flight accidents involving inadvertent disconnection of these connectors that are installed on certain gliders and sailplanes prompted the proposed action. The actions specified in this proposed AD are intended to prevent the connectors from becoming inadvertently disconnected, which could result in loss of control of the sailplane or glider.

DATES: Comments must be received on or before January 24, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–41–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. J. Mike Kiesov, Project Officer, Sailplanes/Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 92–CE–41–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–41–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Events Leading to the Proposed Action

The FAA has received several reports of L'Hotellier quick connectors used on gliders and sailplanes becoming disconnected. These ball and swivel joint connectors allow the operator to quickly connect and disconnect the glider control systems during assembly and disassembly for storage purposes.

The FAA has determined that there could be several reasons for the referenced failures. Among these include the lack of preflight check procedures, improper connection assembly, and inadequate inspection and maintenance requirements.

On July 22, 1992, the FAA issued an Advance Notice of Proposed Rulemaking (ANPRM) to solicit comments from owners/operators of the affected gliders and sailplanes in order to adequately make a determination as to what type of action to take (if any). The responses to the ANPRM may be obtained by contacting the Rules Docket specified in the **ADDRESSES** section of the proposal.

From responses to this ANPRM, the FAA found that most of the owners/operators who responded are checking the security of the connectors prior to flight; however, these owner/operators are not always using a safety pin, wire or sleeve to adequately secure the connectors in a locked position. Based on review of the above-referenced incidents, the FAA has determined that installing a pin, safety wire, or safety sleeve, as applicable, will assure that these connectors will not inadvertently disconnect while the glider or sailplane is in flight.

FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents and accidents described above, including the comments received in response to the ANPRM, the FAA has determined that AD action should be taken to prevent these connectors from becoming inadvertently disconnected, which could result in loss of control of the sailplane or glider.

Since an unsafe condition has been identified that is likely to exist or develop in gliders and sailplanes utilizing the L'Hotellier ball and swivel joint quick connectors, and that are not equipped with a ''Uerling'' sleeve or an LS-Safety sleeve, the proposed AD would require the following:

—Enlarging the safety pin guide hole diameter to a minimum of 1.2 mm (0.05 in.) to accommodate a safety wire or pin, as applicable.

—Fabricating a placard (using 1/8 inch letters) with the following words: ''All L'Hotellier control system connectors must be secured with safety wire, pins or safety sleeves, as applicable, prior to operation.''

—Installing this placard in the glider or sailplane within the pilot's clear view.

Proposed Compliance Time

The compliance time of the proposed AD is in calendar time instead of hours time-in-service (TIS). The average monthly usage of the affected sailplanes and gliders ranges throughout the fleet. For example, one owner may operate the sailplane or glider 25 hours in one week, while another operator may operate the sailplane or glider 25 hours in one year. For this reason, the FAA has determined that, in order to ensure that all of the owners/operators of the affected sailplanes and gliders incorporate the proposed actions within a reasonable amount of time, a calendar compliance time is proposed.

Cost Impact

The FAA estimates that 1,100 sailplanes and gliders, with an average of 4 connectors per sailplane, in the U.S. registry would be affected by the proposed AD, that it would take less than 4 workhours per sailplane or glider to accomplish the proposed actions (less than 1 workhour per connector), and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $264,000. This cost is figured for the estimated time it would take for an authorized mechanic to enlarge the safety pin guide hole diameter. An owner/operator who holds a private pilot's certificate, as authorized by sections 43.7 and 43.11 of the Federal Aviation Regulations (14 CFR 43.7 and 43.11), can fabricate and install the placard. This $264,000 figure is based on the assumption that all of the affected owners/operators of the affected sailplanes and gliders do not have the guide pin hole already

enlarged, a safety sleeve installed, or the placard installed.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Louis L'Hotellier, S.A. Ball and Swivel Joint Quick Connectors

Docket No. 92–CE–41–AD.

Applicability: All quick connectors as installed in, but not limited to, the following gliders and sailplanes that are not equipped with a ''Uerling'' sleeve or an LS-Safety sleeve:

Manufacturer	Models
Alexander Schleicher	ASH25, ASH25E, ASK21, ASK23, ASK23B, ASW15, ASW15B, ASW17, ASW19, ASW19B, ASW20, ASW20B, ASW20BL, ASW20C, ASW20L, ASW20CL, ASW22, ASW22B, and ASW22BE.
Centrair	101A Pegasus, Pegasus 85, and Ventus.
Eiravion	PIK 20, PIK 20B, PIK 20D, PIK 20E, and PIK 30.
Glaser Dirks	DG100, DG200, and DG400.
Grob	G102 Astir CS, G102 Astir CS 77, G102 Standard Astir II, G102 Club Astir, G102 Astir CS Jeans, G103 ACRO, G103 TW Astir, G103 Twin Astir Trainer, G109, and G109B.
Intreprinderea ICA (Lark)	IS28, IS29, and IS32.
Rolladen Schneider	LS1–0, LS1–a, LS1–b, LS1–c, LS1–d, LS1–f, LS3–a, and LS3–17.
Schempp-Hirth	Cirrus, Std. Cirrus, Std. Cirrus B, Std. Cirrus CS–11–75L, Std. Cirrus G, VTC, Nimbus 2, Nimbus 2B, Nimbus 2C, Nimbus 2M, Nimbus-3, Nimbus-3/24.5, Nimbus-3D, Nimbus-3T, Nimbus-3DT, Nimbus-3DM, Janus, Janus B, Janus C, Janus Ca, Janus CM, and Janus CT, Discus a, Ventus, Ventus-a, Ventus-a/16.6, Ventus-c (with the Ventus-a fuselage).
Schweizer	2–33 and 1–26.

Note 1: This AD applies to each glider and sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For gliders and sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 30 calendar days after the effective date of this AD, or upon installation of the quick connectors, whichever occurs later, unless already accomplished.

To prevent the quick connectors from becoming inadvertently disconnected, which could result in loss of control of the sailplane or glider, accomplish the following:

(a) For quick connectors that have a safety pin guide hole, enlarge the hole in the lock plate to a minimum diameter of 1.2 mm (0.05 in.) to accommodate a safety wire or pin.

(b) Fabricate and install a placard (using 1/8 inch letters) in the glider or sailplane, within the pilot's clear view, with the following words: ''All L'Hotellier control system connectors must be secured with safety wire, pins or safety sleeves, as applicable, prior to operation.''

(c) Fabricating and installing the placard as required by paragraph (b) of this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the sailplane's or glider's records showing compliance with this AD in accordance with section 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate. The request shall be forwarded through an appropriate FAA Maintenance

Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) All persons affected by this directive may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on November 13, 1996.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–29722 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–32–P

14 CFR Part 71

[Airspace Docket No. 96–ASO–23]

Proposed Establishment of Class E Airspace; Somerset, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E2 airspace area at Somerset, KY, for the Somerset-Pulaski County-J.T. Wilson Field Airport. An automated weather observating system has been installed at the airport, which transmits the required weather observations continuously to Indianapolis Center, the controlling facility for the airport. Therefore, the airport now meets the criteria for Class E2 surface area airspace.

DATES: Comments must be received on or before December 31, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 96–ASO–23, Manager, Operations Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, Operations Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–ASO–23.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Operations Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E2 airspace area at Somerset, KY, for the Somerset-Pulaski County-J.T. Wilson Field Airport. An automated weather observing system has been installed at the airport, which transmits the required weather observations continuously to Indianapolis Center, the controlling facility for the airport. Therefore, the airport now meets the criteria for Class E2 surface area airspace. Class E airspace areas designated as a surface area for an airport are published in Paragraph 6002 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

ASO KY E2 Somerset, KY [New]

Somerset-Pulaski County-J.T. Wilson Field Airport, KY
(Lat. 37°03′17″ N, long. 84°36′52″ W)
Bowling Green VORTAC
(Lat. 36°55′43″ N, long. 86°26′36″ W)

Within a 4-mile radius of Somerset-Pulaski County-J.T. Wilson Field Airport.

* * * * *

Issued in College Park, Georgia, on November 13, 1996.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–29823 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 96–AGL–18]

Establishment of Class E2 Airspace; Sawyer Airport, Gwinn, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E2 airspace to accommodate an Automated Weather Observation System/Surface Weather and Reporting System (AWOS/SWARS) to serve runway 01/19 approach at Sawyer Airport, Gwinn, MI. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before December 18, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 96–AGL–18, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–AGL–18.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E2 airspace to accommodate an Automated Weather Observation System/Surface Weather and Reporting System (AWOS/SWARS) to serve runway 01/19 approach at Sawyer Airport, Gwinn, MI. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E2 airspace designations for surface area for an airport, are published in paragraph 6002 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E2 airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective

September 16, 1996, is amended as follows:

Paragraph 6002 The Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL MI E2 Sawyer, MI [New]

Sawyer Airport, MI
(Lat. 46°21′20″N, long. 87°23′34″W)

Within a 4.6-mile radius of Sawyer Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on November 13, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–29820 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 96–AGL–19]

Establishment of Class E5 Airspace; Sawyer Airport, Gwinn, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E5 airspace to accommodate an Instrument Landing System (ILS), a Very High Frequency Omnidirectional Range (VOR) and a Distance Measuring Equipment (DME) to serve runway 01/19 approach at Sawyer Airport, Gwinn, MI. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before December 18, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 96–AGL–19, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 96–AGL–19.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E5 airspace to accommodate an Instrument Landing System (ILS), a Very High Frequency Omnidirectional Range (VOR) and a Distance Measuring Equipment (DME) to serve runway 01/19 approach at Sawyer Airport, Gwinn, MI. Controlled airspace extending upward from 700 to 1200 feet AGL is needed to contain aircraft executing the approach. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E5 airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E5 airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to

amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6005 The Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Sawyer, MI [New]

Sawyer Airport, MI
(Lat. 46°21′20″N, long. 87°23′34″W)

Tha airspace extending upward from 700 feet above the surface within a 7.1-mile radius of the Sawyer Airport, excluding that airspace within the Marquette, MI, Class E airspace area, and that airspace extending upward from 1,200 feet above the surface within a 34.8-mile radius of the Sawyer Airport.

* * * * *

Issued in Des Plaines, Illinois on November 13, 1996.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 96–29821 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 91, 121, 127, and 135

RIN 2120–AG11

[Docket No. 28577; Notice No. 96–4]

Special Flight Rules in the Vicinity of the Rocky Mountain National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; reopening of the comment period and notice of availability of Draft Environmental Assessment (EA).

SUMMARY: This notice announces the reopening of the comment period on a Notice of Proposed Rulemaking (NPRM), which proposes to establish a Special Federal Aviation Regulation to preserve the natural park experience of visitors to Rocky Mountain National Park (RMNP) by preventing any potential adverse noise impact from aircraft-based sightseeing overflights. Following the closing date of the comment period the FAA prepared a Draft EA concerning alternatives for addressing the potential aviation noise issues at RMNP. This action is being taken to afford the public the opportunity to comment on the Draft EA.

DATES: The comment period is being reopened from November 21, 1996 through December 23, 1996. Comments must be received on or before the December 23, 1996.

ADDRESSES: Comments on this NPRM should be mailed, in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 28577, 800 Independence Avenue, SW., Washington, DC 20591. Comments may also be sent electronically to the Rules Docket by using the following Internet address: nprmcmts@mail.hq.faa.gov. Comments must be marked Docket No. 28577. Comments may be examined in the Rules Docket in Room 915G on weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Neil Saunders, Airspace and Rules Division, ATA–400, Airspace Management Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: 202–267–8783.

SUPPLEMENTARY INFORMATION:

Background

Notice No. 96–4 was placed on immediate display at the Federal Register on May 10, 1996, and published on May 15, 1996 (61 FR 24852). A correction document was published on July 23, 1996 (61 FR 38119) extending the comment period to August 19, 1996. Notice No. 96–4 proposed several methods of preserving the natural park experience of RMNP by restricting aircraft-based sightseeing flights. The NPRM indicated that the FAA would select a viable alternative based on comments received and other pertinent information, identify a proposed alternative for final rulemaking and publish a Draft EA for comment. The Draft EA would evaluate the alternatives identified for detailed study and assess the current conditions and the preferred alternative. The NPRM also indicated that the FAA will evaluate the comments on the Draft EA and prepare a final assessment.

Reopen Comment Period

The comment period on Notice No. 96–4, Special Flight Rules in the Vicinity of the Rocky Mountain National Park closed on August 19, 1996. Following the closing date of the comment period the FAA prepared a Draft EA that evaluates various alternatives for addressing potential aviation noise issues at RMNP. Consequently, the FAA finds that it is in the public interest to reopen the comment period to allow interested persons the opportunity to comment on the Draft EA. A copy of the Draft EA has been placed in the Docket and is available for review.

Copies of the Draft EA are being circulated to interested parties and the Draft EA is also available on the Internet at the website of the FAA's Office of Environment and Energy: http://aee.hq.faa.gov/. Copies may also be obtained by contacting Mr. William J. Marx, Division Manager, ATA–300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3075.

In addition, after the comment period on the NPRM closed, the Department of Transportation became aware of certain RMNP sound level data. In September 1995, sound level measurements were made at five locations in RMNP on behalf of the NPS. While it is unlikely that this data will provide a basis for a final rulemaking in this matter, we are including it in the Docket for completeness of the record.

Accordingly, the comment period is being reopened and the Draft EA is being made available for comment from November 21, 1996 through December 23, 1996.

Issued in Washington, DC, on November 18 1996.

Harold W. Becker,

Acting Program Director for Air Traffic, Airspace Management.

[FR Doc. 96–29816 Filed 11–18–96; 4:04 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 511 and 514

[Docket No. 96N–0411]

New Animal Drugs for Investigational Use and New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is announcing its intent to propose revisions to its

regulations governing new animal drugs for investigational use and new animal drug applications (NADA's). On October 9, 1996, President Clinton signed into law the Animal Drug Availability Act of 1996 (the ADAA). FDA intends to propose revisions to the investigational new animal drug (INAD) and NADA regulations to implement the ADAA. FDA also intends to propose revisions to the INAD and NADA regulations to fulfill its commitment under the National Performance Review to reinvent the regulation of animal drugs. In the President's National Performance Report, ''Reinventing the Regulation of Animal Drugs,'' May 1996, the President announced FDA's proposal to revise its regulations to create a more efficient process for reviewing and approving new animal drugs (NAD's). FDA's proposal for changes in the process for reviewing and approving animal drugs is intended to minimize the regulatory burden upon industry without compromising FDA's ability to ensure that the animal drugs it approves are safe and effective.

DATES: Written comments before January 21, 1997.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: George A. Mitchell, Center for Veterinary Medicine (HFV–1), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1761.

SUPPLEMENTARY INFORMATION:

I. Background

On October 9, 1996, President Clinton signed into law the ADAA. The purpose of the ADAA is to build into the NAD approval process needed flexibility to facilitate more efficient and expeditious approval of NAD's without decreasing FDA's existing authority to ensure that animal drug products are safe for use in animals and for humans who consume food products derived from animals. The ADAA does this, in large part, by redefining substantial evidence, the standard by which FDA determines whether a NAD is effective. The ADAA redefines the term ''substantial evidence'' to mean:

> evidence consisting of one or more adequate and well-controlled investigations, such as—a study in a target species; a study in laboratory animals; any field investigation that may be required under [section 512(d)(3)] and that meets the requirements of subsection (b)(3) if a presubmission conference is requested by the applicant; a bioequivalence study; or an in vitro study; by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and reasonably be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.

Section 2(e) of the ADAA directs FDA to further define by regulation the term ''substantial evidence'' and the term ''adequate and well-controlled'' as it relates to field investigations that alone or along with other studies may establish substantial evidence that a NAD is effective. The ADAA also requires FDA to publish regulations to address dose range labeling. FDA has 6 months from the enactment of the ADAA to publish proposed regulations to further define ''adequate and well-controlled'' and 12 months to publish proposed regulations to address dose range labeling and further define ''substantial evidence.''

In the President's National Performance Report, ''Reinventing the Regulation of Animal Drugs,'' May 1996, the President announced FDA's proposal to revise its regulations to create a more efficient process for reviewing and approving NAD's. Historically, FDA has reviewed NADA's using a process that emphasized centralized coordination of an application review. Although this approach has advantages, FDA has found that this approach for processing applications has also resulted in delays. FDA has introduced numerous process changes intended to foster a more streamlined animal drug application review and approval process and reduce the regulatory burden on industry. For example, FDA tested an evaluation process described as direct review. Under direct reviews of sponsors' technical submissions, individuals conducting reviews of technical submissions are responsible for the scientific evaluation and administrative processing of a particular section of a submission and for communicating directly with the appropriate responsible official of the drug sponsor. To implement FDA's reinventing government proposal, FDA intends to propose revisions to its INAD and NADA regulations to reflect such process changes. The proposed changes to the INAD and NADA regulations will also reflect, among other things, CVM's use of presubmission conferences, phased review of data submissions, direct review of sponsors' technical submissions, and sponsor-monitored methods trials.

II. Revisions Under Consideration

The agency intends to propose revisions to the INAD and NADA regulations to further define ''substantial evidence'' and ''adequate and well-controlled,'' as well as address dose range labeling, as directed by the ADAA. FDA also anticipates proposing revisions to these regulations to implement other aspects of the ADAA, i.e., presubmission conferences, combination animal drugs, Veterinary Feed Directive (VFD) drugs, and feed mill licensing. Finally, FDA intends to propose revisions to the INAD and NADA regulations to implement FDA's reinventing government proposal to reinvent the regulation of animal drugs.

III. Agency Request for Comments

FDA is soliciting comments on all aspects of this advance notice of proposed rulemaking (ANPRM), and specifically requests comments on the following issues:

(1) Further definition of ''substantial evidence.''

(2) Defining ''adequate and well-controlled'' as it relates to field investigations.

(3) Regulations to address dose range labeling.

(4) Regulations to implement presubmission conferences.

(5) Regulations to implement the streamlined approval process for certain combination animal drugs.

(6) The content and format of a VFD.

(7) CVM's use of a phased review process for reviewing NADA's.

(8) CVM's use of direct review of sponsors' technical submissions for reviewing NADA's.

(9) CVM's review of manufacturing supplements.

IV. Comments

Interested persons may, on or before January 21, 1997, submit to the Dockets Management Branch (address above) written comments regarding this ANPRM. Because the ADAA requires FDA to publish regulations within short timeframes, FDA encourages that comments be submitted as soon as possible. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This ANPRM is issued under section 2(e) of the ADAA, sections 201, 501, 502, 503, 512, 701, and 801 of the Federal Food, Drug, and Cosmetic Act

(21 U.S.C. 321, 351, 352, 353, 360b, 371, and 381), and under the authority of the Commissioner of Food and Drugs.

Dated: November 15, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–29767 Filed 11–20–96; 8:45 am]

BILLING CODE 4160–01–F

DEAPRTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 203

RIN—1510–AA37

Treasury Tax and Loan Depositaries and Payment of Federal Taxes

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking; extension of time for comments.

SUMMARY: On September 30, 1996, the Financial Management Service issued a notice of proposed rulemaking proposing new regulatory text for 31 CFR Part 203 to govern the operation of the Electronic Federal Tax Payment System. The document also proposed to update the rules governing Treasury's investment program. The date for filing comments is being extended at the request of interested commenters. Although the date is to be extended until January 13, 1997, commenters are encouraged to submit comments as soon as possible.

DATES: The date for filing comments is extended to and including January 13, 1997.

ADDRESSES: Comments or inquiries may be mailed to Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, Financial Management Service, Room 420, 401 14th Street, S.W., Washington, D.C. 20227.

FOR FURTHER INFORMATION CONTACT: Mark Matolak, Financial Program Specialist; Donald E. Clark, Financial Program Specialist; Cynthia L. Johnson, Director, Cash Management Policy and Planning Division, 401 14th Street, S.W., Washington, D.C. 20227, (202) 874–6590; or Margaret Roy. Principal Attorney, at (202) 874–6680. A copy of the original proposed rule, dated September 30, 1996, is being made available for downloading from the Financial Management Service home page at the following address: http://www.ustreas.gov/treasury/bureaus/finman/.

Dated: November 18, 1996.

Russell D. Morris,

Commissioner.

[FR Doc. 96–29771 Filed 11–20–96; 8:45 am]

BILLING CODE 4810–35–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[AD–FRL–5653–2]

List of Industrial Combustion Coordinated Rulemaking Advisory Coordinating Committee Members and Notice of Upcoming Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: List of Industrial Combustion Coordinated Rulemaking (ICCR) Federal Advisory Committee and Work Group members, solicitation of additional Work Group nominations, and notice of upcoming meetings.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, section 9(c), EPA gave notice of the establishment of the ICCR Federal Advisory Committee (hereafter referred to as the Coordinating Committee) in the Federal Register on August 2, 1996 (61 FR 40413). The Coordinating Committee members have been selected and are listed in this document. The Coordinating Committee also has selected Work Group members and the current list of members is announced in this document. Nominations for the Work Groups are still being solicited to ensure adequate representation from each of the stakeholder interest groups on the Work Groups.

The public can follow the progress of the ICCR through attendance at meetings (which will be announced in advance) and by accessing the Technology Transfer Network (TTN), which serves as the primary means of disseminating information about the ICCR.

DATES: The next meeting of the Coordinating Committee is scheduled for January 8 and 9, 1997.

Additional nominations for membership on the work groups must be submitted by December 6, 1996.

Further information on the Coordinating Committee and Work Group meetings may be obtained by accessing the TTN.

ADDRESSES: The Coordinating Committee meeting on January 8 and 9, 1997 will be held at the Holiday Inn Hotel and Suites (formerly Old Colony), 625 First Street, Alexandria, Virginia (703–548–6300).

Nominations for membership on work groups should be submitted to Fred Porter at EPA, Emission Standards Division, Combustion Group, (MD–13), Research Triangle Park, NC 27711.

Inspection of Documents: Docket. Minutes of the meetings, as well as other relevant materials, will be available for public inspection at U.S. EPA Air and Radiation Docket and Information Center, Docket No. A–96–17. The docket is open for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street SW, Washington, DC 20460; telephone: (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Fred Porter, Sims Roy, or Walt Stevenson, U.S. Environmental Protection Agency, Emission Standards Division, Combustion Group, (MD–13), Research Triangle Park, NC 27711, telephone numbers (919) 541–5251, 541–5263, and 541–5264, respectively.

SUPPLEMENTARY INFORMATION:

Technology Transfer Network (TTN)

The TTN is one of the EPA's electronic bulletin boards. The TTN can be accessed through the Internet or directly by modem. Through the Internet, the TTN may be accessed at:

TELNET: ttnbbs.rtpnc.epa.gov
FTP: ttnftp.rtpnc.epa.gov
WWW: ttnwww.rtpnc.epa.gov

When accessing the WWW site, select TTN BBS Web from the first menu, then select Gateway to TTN Technical Areas from the second menu, and finally, select ICCR–Industrial Combustion Coordinated Rulemaking from the third menu.

By modem, dial (919) 541–5742 for up to a 14,400 bits-per-second information transfer connection. After logging on to the system, select Gateway to the TTN Technical Areas from the menu and then select ICCR–Industrial Combustion Coordinated Rulemaking from the next menu. Access to the TTN through Telnet will look the same as if you had dialed by modem, so these instructions should be followed for a Telnet connection.

Access to the TTN through FTP is a streamlined approach for downloading files, but is only useful, if the desired filenames are known.

If more information on the TTN is needed, call the help desk at (919) 541–5384.

All Coordinating Committee meetings will be announced in the Federal Register. Work Group meetings may or may not be announced in the Federal Register. Work Group meetings will, however, be announced on the TTN. Individuals interested in Work Group meetings, or any aspect of the ICCR for that matter, should access the TTN on a regular basis for information.

Two copies of the Coordinating Committee charter are filed with appropriate committees of Congress and the Library of Congress and are available upon request to the Docket (ask for item #I–B–1). The purpose of the Coordinating Committee is to assist EPA in the development of regulations to control emissions of air pollutants from industrial, commercial, and institutional combustion of fuels and non-hazardous solid wastes. The Coordinating Committee will attempt to develop recommendations for national emission standards for hazardous air pollutants (NESHAP) implementing section 112 and solid waste combustion regulations implementing section 129 of the Act, and may review and make recommendations for revising and developing new source performance standards (NSPS) under section 111 of the Act. The recommendations will cover boilers, process heaters, industrial/commercial and other incinerators, stationary internal combustion engines, and stationary combustion turbines.

The EPA reviewed the nominations for Coordinating Committee members received in response to the August 2, 1996 Federal Register notice and selected Coordinating Committee members for 2 year terms. Table 1 lists the current members of the Coordinating Committee.

TABLE 1.—COORDINATING COMMITTEE MEMBERSHIP

Greg Adams, Assistant Departmental Engineer, Los Angeles County Sanitation District, Phone: (310) 699–7411, Fax: (310) 692–9690, E-Mail: smin@co.la.ca.us

Richard Anderson, Director of Government Affairs, Wheelabrator Technologies Inc., Phone: (202) 639–1201, Fax: (202) 628–0400, E-Mail: anderson1@clark.net

Atly Brasher, Assistant Administrator, Office of Air Quality and Radiation Protection, Louisiana Department of Environmental Quality, Phone: (504) 765–0100, Fax: (504) 765–0222, E-Mail: atly__b@deq.state.la.us

Mark Calmes, Director Environmental Engineering Services, Archer Daniels Midland Company, Phone: (217) 424–7456, Fax: (217) 362–3992, E-Mail: admepa1@midwest.net

Peter Caroll, Vice President—Government Affairs, Solar Turbines, Inc, Phone: (202) 293–4327, Fax: (202) 293–4336, E-Mail: uscpt8y9@ibmmail.com

Paul Eisele, Director Environmental Affairs, Masco Corporation, Phone: (313) 374–6031, Fax: (313) 374–6935, E-Mail: not available at this time

John Fanning, Deputy Commissioner, City of Chicago Department of General Services, Phone: (312) 744–2987, Fax: (312) 742–0052, E-Mail: Wednesday@msn.com

Stephen Gerritson, Executive Director, Lake Michigan Air Directors Consortium (LADCO), Phone: (847) 296–2182, Fax: (847) 296–2958, E-Mail: ladco@interaccess.com

Alex Johnson, Director, Citizens Commission for Clean Air, in the Lake Michigan Basin, Phone: (414) 271–7467, Fax: (414) 271–7312, E-Mail: cbe@igc.apc.org

Robert Kaufmann, Director Air Quality Program, American Forest and Paper Association, Phone: (202) 463–2588, Fax: (202) 463–2423, E-Mail: robert__kaufmann@afandpa.ccmail.com

Chuck Keffer, Director Regulatory Management, Monsanto Company, Phone: (314) 694–4956, Fax: (314) 693–4956, E-Mail:cwkeff@ccmail.monsanto.com

Miriam Lev-On, Senior Consultant, Atlantic Richfield Company, Phone: (213) 486–2610, Fax: (213) 486–2021, E-Mail: mlevon@is.arco.com

Jed R. Mandel, General Counsel, Engine Manufacturers Association, Phone: (312) 269–8042, Fax: (312) 269–1747, E-Mail: not available at this time

Robert A. Morris, Director, Environmental Affairs, Coastal Corporation (Refining Division), Phone: (713) 877–6194, Fax: (713) 297–1045, E-Mail: not available at this time

Russell Mosher, President, American Boiler Manufacturers Association, Phone: (703) 522–7350, Fax: (703) 522–2665, E-Mail: 76041.2623@compuserve.com

Elsie Munsell, Deputy Assistant Secretary—Environment, Department of the Navy, Phone: (703) 614–1305, Fax: (703) 695–2573, E-Mail: munsell-elsie@hq.secnav.navy.mil

Bill O'Sullivan, Administrator, Office of Air Quality Permitting, New Jersey Department of Environmental Protection, Phone: (609) 984–6721, Fax: (609) 984–6369, E-Mail: wosulliv@dep.state.nj.us

Robert Palzer, Air Quality Coordinator, Oregon Chapter of the Sierra Club, Phone: (503) 520–8671, Fax: Call for number, E-Mail: bobpalzer@pdx.sisna.com

John A. Paul, Director, Regional Air Pollution Control Agency, Phone: (937) 225–5948, Fax: (937) 225–3486, E-Mail: paulj@laa.co.montgomery.oh.us

Fred Porter, Senior Environmental Engineer and Designated Federal Officer (DFO), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Phone: (919) 541–5251, Fax: (919) 541–5450, E-mail: porter.fred@epamail.epa.gov

Marvin Schorr, Consulting Engineer, General Electric Industrial and Power Systems, Phone: (518) 385–3036, Fax: (518) 385–4274, E-Mail: marvin.schorr@geps.ge.com

Jeffrey C. Smith, Executive Director, Institute of Clean Air Companies, Phone: (202) 457–0911, Fax: (202) 331–1388, E-Mail: jsmith@icac.com

R. M. (Dick) Van Frank, Local Issues Chairperson, The Amos W. Butler Chapter of the National Audubon Society, Phone: (317) 842–9555, Fax: (317) 842–9555, E-Mail: vanfrank@iquest.net

J. Ross Vincent, Chairman, Sierra Club Environmental Quality Strategy Team, Phone: (719) 561–3117, Fax: (719) 561–1149, E-Mail: ross.vincent@sierraclub.org

Robert Welch, Director Regulatory Management, Columbia Gas System Service Corp, Phone: (703) 295–0300, Fax: (703) 716–4572, E-Mail: not available at this time

Tables 2 to 5 list the initial members of the Combustion Turbine Work Group, the Internal Combustion Engine Work Group, the Testing and Monitoring Protocol Work Group, and the Economic Analysis Work Group. With regard to the Boiler Work Group, Process Heater Work Group, and the Incinerator Work Group, the Coordinating Committee selected a number of individuals for membership on these Work Groups, but due to the need for development of

working definitions to distinguish between a boiler, heater, or incinerator, it is not possible at this point to list the members of each of these Work Groups. When these membership lists have been confirmed, another Federal Register notice will be published listing the information for these Work Group members.

TABLE 2.—COMBUSTION TURBINE WORK GROUP MEMBERSHIP

Greg Adams, Assistant Departmental Engineer, Los Angeles County Sanitation District, Phone: (310) 699–7411, Fax: (310) 692–9690, E-Mail: smin@co.la.ca.us

Sam Allen, Associate Power Consultant, Dow Chemical Company, Phone: (504) 353–8790, Fax: (504) 353–6965, E-Mail: shallen@dow.com

Charles Chang, Policy Analyst—Air Quality, Los Angeles Department of Water & Power, Phone: (213) 367–1339, Fax: (213) 367–1459, E-Mail: cchang@dwp.ci.la.ca.us

A. J. Cherian, Environmental Engineer, Pacific Gas Transmission Co., Phone: (503) 833–4708, Fax: (503) 833–4974, E-Mail: acherian@pgt.net

Sam L. Clowney, Senior Engineering Consultant, Tenneco Energy, Phone: (713) 757–3968, Fax: (713) 757–2449, E-Mail: 1030506.3205@compuserve.com

Dr. Ted D. Guth, Permitting Regulatory Affairs Consultant, Phone: (619) 670–3157, Fax: (619) 670–9454, E-Mail: not available at this time

Peter E. Hill, U.S. Naval Facilities Engineering, Service Center (NFESC), Phone: (805) 982–3502, Fax: (805) 982–5388, E-Mail: phill@nfesc.navy.mil

George Ikhinmwin, Maryland Department of the Environment, Air Quality Permits Program, Phone: (410) 631–3846, Fax: (410) 631–3202, E-Mail: george.ikhinmwin@ghawk.com

John M. Klein, Engineer/Atlantic Richfield Co. Alaska, Inc, Phone: (907) 265–6292, Fax: (907) 263–4540, E-Mail: laejmk@pcmail.aai.arco.com

David A. Rohy, Solar Turbines Inc., San Diego, California 92186–5376, Phone: (619) 544–5078, Fax: (619) 595–7511, E-Mail: rohy@cts.com, drohy@sna.com

Sims Roy, Environmental Engineer, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Phone: (919) 541–5263, Fax: (919) 541–5450, E-mail: roy.sims@epamail.epa.gov

Marvin Schorr, Consulting Engineer, General Electric Industrial and Power Systems, Phone: (518) 385–3036, Fax: (518) 385–4274, E-Mail: marvin.schorr@geps.ge.com

Jorge Torres, Chief Engineer, Compressors, Natural Gas Pipeline of America, Phone: (708) 691–3702, Fax: (708) 691–3827, E-Mail: not available at this time

TABLE 3.—INTERNAL COMBUSTION ENGINE WORK GROUP MEMBERSHIP

Amanda Agnew, Environmental Engineer U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Phone: (919) 541–5268 Fax: (919) 541–5450, E-mail: agnew.amanda@epamail.epa.gov

J. Darrell Bowen, Project Director, Clean Air Project, CNG Transmission Corporation, Phone: (304) 623–8419, Fax: (304) 624–0154, E-Mail: j.darrell.bowen@cngt.cng.com

Michael S. Brand, Manager, Product Environmental Management Off-Highway Applications, Cummins Engine Company, Inc., Phone: (812) 377–3752, Fax: (812) 377–8739, E-Mail: msbrand@cob.cummins.com

Sam L. Clowney, Senior Engineering Consultant, Tenneco Energy, Phone: (713) 757–3968, Fax: (713) 757–2449, E-Mail: 103506.3205@compuserve.com

Donald C. Dowdall, Consultant, Engine Manufacturers Association, Phone: (312) 644–6610, Fax: (312) 321–5111, E-Mail: not available at this time

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Charles J. Elder, Staff Engineer, General Motors Corporation, Phone: (313) 556–7764, Fax: (313) 556–9002, E-Mail: not available at this time

Randy Hamilton, P.E., Air Policy and Regulations Division, Texas Natural Resource Conservation Commission, Phone: (512) 239–1512, Fax: (512) 239–5687, E-Mail: rhamilto@smtpgate.tnrcc.state.tx.us

Wayne Andrew Hamilton, Staff Environmental Engineer, Shell Exploration & Production Technology Company, Phone: (713) 245–7782, Fax: (713) 245–7813, E-Mail: wahamilton@shellus.com

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Jed R. Mandel, General Counsel, Engine Manufacturers Association, Phone: (312) 269–8042, Fax: (312) 269–1747, E-Mail: not available at this time

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Vick Newsom, Staff Environmental Specialist, Amoco Corporation, Phone: (713) 366–7655, Fax: (713) 366–7556, E-Mail: vlnewsome@amoco.com

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Edward M. Torres, Environmental Management Division Manager, Orange County Sanitation District, Phone: (714) 962–2411, Fax: (714) 962–8379, E-Mail: not available at this time

Jorge Torres, Chief Engineer, Compressors, Natural Gas Pipeline of America, Phone: (708) 691–3702, Fax: (708) 691–3827, E-Mail: not available at this time

Bill Walker, Air and Water Quality Management, Alaska Department of Environmental Conservation, Phone: (907) 465–5124, Fax: (907) 465–5129, E-Mail:bwalker@envircon.state.ak.us

TABLE 4.—TESTING AND MONITORING PROTOCOL WORK GROUP MEMBERSHIP

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Tom C. Dender, Manager, Technical Services, Tenneco Energy, Phone: (713) 662–5319, Fax: (713) 662–5339, E-Mail: muskee2@aol.com
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Dennis R. Knisley, Senior Environmental Representative, Eastman Chemical Company, Phone: (423) 299–5603, Fax: (423) 224–7213, E-Mail: dknisley@eastman.com
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Paul Martino, Senior Environmental Scientist/API, Phone: (202) 682–8562, Fax: (202) 682–8270, E-Mail: martino@api.org
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TABLE 5. ECONOMIC ANALYSIS WORK GROUP MEMBERSHIP

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Joseph Mackell, Environmental Representative, Marathon Oil company, Phone: (419) 421–3442, Fax: (419) 421–4299, E-Mail: mackell@hou.moc.com
Michael Rusin, Deputy Director, American Petroleum Institute, Phone: (202) 682–8533, Fax: (202) 682–8408, E-Mail: rusinm@api.org
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Tom Walton, Economist, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Phone: (919) 541–5311, Fax: (919) 541–0804, E-mail: walton.tom@epamail.epa.gov
George Williams, Southern California Gas Company, Phone: (202) 662–1700, Fax: (202) 293–2887, E-Mail: not available at this time

The lists of Coordinating Committee and Work Group members are available for the purpose of giving the public the opportunity to contact members to discuss concerns or information they would like to bring forward during the ICCR process.

The EPA, on behalf of the Coordinating Committee, is soliciting additional nominations for membership on the Work Groups, primarily to obtain representatives of environmental and environmental justice organizations, State/local regulatory agencies, labor, academia, and small businesses, although all nominations for membership will be considered. Additional nominations should be submitted to EPA (Attention: Fred Porter at address under **FOR FURTHER INFORMATION CONTACT** section of this notice). These nominations should be submitted by December 6, 1996 to ensure consideration by the Coordinating Committee at its January meeting.

Prior to submitting a nomination, an individual or organization should obtain and thoroughly read the ICCR document (available on the TTN [filename ICCR.WPF] and through the public docket) which contains additional information and a suggested nomination form. To be considered, nominees for membership on the Source Work Groups must meet the criteria outlined in the ICCR document. Nominations for the membership on the Source Work Groups must also identify the particular Work Group for which the person is being nominated.

The next meeting of the Coordinating Committee will be held January 8–9, 1997 in Alexandria, Virginia at the Holiday Inn Hotel and Suites (formerly the Old Colony) from about 9:00 a.m. to about 5:00 p.m. on both days, although an evening session will be held on January 8, if necessary, to ensure completion of the agenda. The agenda for this meeting will include discussion of revisions to the ICCR document, reports from the Work Groups on their progress and planning, discussion of EPA's data gathering efforts to support the ICCR, and a discussion of direction and guidance from the Coordinating

Committee to the Work Groups. This meeting will also be open to the public, and an opportunity will be provided for the public to offer comments and address the Coordinating Committee.

It is anticipated that the next meeting of the Coordinating Committee, following the meeting in January, will be March 19–20, 1997 in Chicago, Illinois.

Dated: November 13, 1996.

Mary D. Nichols,

Assistant Administrator.

[FR Doc. 96–29656 Filed 11–19–96; 10:29 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 61, No. 226
Thursday, November 21, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 15, 1996.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Comments should be addressed to: Desk Officer For Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Department Clearance Officer, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–6204 or (202) 720–6746.

*Food Safety and Inspection Service

Title: Use of Corn Syrup Solids and Glucose Syrup as Flavoring Agents in Meat Products.

OMB Control Number: This is a new information collection.

Summary: FSIS is amending the regulations to permit the use of corn syrup as a flavoring agent. Manufacturers wishing to use corn syrup for this purpose must submit the label for approval.

Need and Use of the Information: FSIS will use the information to ensure that meat and poultry products are properly labeled.

Description of Respondents: Business or other for-profit.

Number of Respondents: 750.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 2,813.

Emergency processing of this submission has been requested by 12/16/96.

*Agricultural Marketing Service

Title: Irish Potatoes Grown in Washington, Marketing Order No. 946.

OMB Control Number: 0581–0070.

Summary: Information is collected from candidates nominated to serve on the committee, for modification of inspection privilege, and for special purpose shipments.

Need and Use of the Information: The information is used to regulate the provisions of Marketing Order No. 946.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 490.

Frequency of Responses: Recordkeeping; Reporting: On occasion, Biennially, Annually.

Total Burden Hours: 246.

*Agricultural Marketing Service

Title: Regulations for Inspection of Eggs, and Egg Products.

OMB Control Number: 0581–0113.

Summary: Information is collected to register shell egg handlers and hatcheries, request importation of shell eggs and egg products into the United States and to report and document findings during surveillance inspections of shell egg handlers and hatcheries.

Need and Use of the Information: The information is used to assure compliance with the Egg Products Inspection Act and to take administrative and regulatory action.

Description of Respondents: Business or other for-profit; Federal Government; State, local, or tribal government.

Number of Respondents: 1,268.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly.

Total Burden Hours: 2,330.

*Rural Housing Service

Title: Field Office Handbook & Centralized Servicing Center Handbook.

OMB Control Number: This is a new information collection.

Summary: The information is collected from persons with any type of pecuniary interest in that of an applicant or recipient of a direct single family housing loan or grant. The information is used to ensure that the direct single family housing programs are administrated in a manner consistent with legislative and administrative requirements.

Need and Use of the Information: The information collected is used to verify program eligibility requirements; continued eligibility requirements for borrower assistance; servicing of loans; eligibility for special servicing assistance such as: payment subsidies, moratorium (stop) on payments, delinquency workout agreements; liquidation of loans; and, debt settlement.

Description of Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; State, local, or tribal government.

Number of Respondents: 550,000.

Frequency of Responses: Reporting; On Occasion, Annually.

Total Burden Hours: 834,494.

*Agricultural Marketing Service

Title: Limes Grown in Florida, Marketing Order No. 911.

OMB Control Number: 0581–0091.

Summary: The Florida Lime Administrative Committee needs specific information from Florida lime growers and handlers to nominate committee members, to recommend volume regulations, to determine handler compliance, to levy assessment, and prepare periodic reports.

Need and Use of the Information: The information is used to regulate the provisions of Marketing Order No. 911.

Description of Respondents: Business or other for-profit; Farms; Federal government; State, local or tribal government.

Number of Respondents: 55.

Frequency of Responses: Recordkeeping; Reporting: On occasion, weekly, annually, other (daily).

Total Burden Hours: 112.

Donald E. Hulcher,

Deputy Departmental Clearance Officer.

[FR Doc. 96–29727 Filed 11–20–96; 8:45 am]

BILLING CODE 3410–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Missouri Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 3:00 p.m. and adjourn at 8:30 p.m. on December

5, 1996, at the Langston Hughes Theater/Lincoln University, Dunklin and Chestnut Streets, Jefferson City, Missouri 65102. The purpose of the meeting is to hold a community forum to obtain information on the status of race relations in Cole County and Jefferson City, and to provide information on filing various civil rights complaints.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, November 12, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–29780 Filed 11–20–96; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

The Census Advisory Committee (CAC) on the African American Population, the CAC on the American Indian and Alaska Native Populations, the CAC on the Asian and Pacific Islander Populations, and the CAC on the Hispanic Population; Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409, Pub. L. 96–523, and Pub. L. 97–375), we are giving notice of a joint meeting followed by separate and concurrently held (described below) meetings of the CAC on the African American Population, the CAC on the American Indian and Alaska Native Populations, the CAC on the Asian and Pacific Islander Populations, and the CAC on the Hispanic Population. The joint meeting will convene on December 5–6, 1996 at the Bureau of the Census, Federal Building 3, 4700 Silver Hill Road, Suitland, Maryland 20746.

Each of these Committees is composed of nine members appointed by the Secretary of Commerce. They provide an organized and continuing channel of communication between the communities they represent and the Bureau of the Census on its efforts to reduce the differential in the count for the 2000 census and on ways the census data can be disseminated to maximum usefulness to their communities and other users.

The Committees will draw on past experience with the 1990 census process and procedures, results of evaluations and research studies, and the expertise and insight of its members to provide advice and recommendations during the research and development phase on various topics, and provide advice and recommendations during the design, planning, and implementation phases of the 2000 census.

The agenda for the December 5 combined meeting that will begin at 8:00 a.m. and end at 5:30 p.m. is: (1) Introductory Remarks; (2) What Are the Major Findings on Race and Hispanic Origin from the 1996 National Content Survey?; (3) What Is the Review Process for Assessing Possible Changes for OMB Directive 15?; (4) How Can the Committee Members Use the Organizations with which They Are Affiliated to Help the Bureau Implement Its Census 2000 Marketing Plan?; and (5) Results of the Focus Groups on Questionnaires.

The agendas for the four committees in their separate and concurrently held meetings are as follows:

The CAC on the African American Population: (1) issues from last meeting; (2) review of background papers; (3) report from working group on outreach and promotion; and (4) review responses to recommendations.

The CAC on the American Indian and Alaska Native Populations: (1) issues from last meeting; (2) review of background papers; (3) report from working group on outreach and promotion; (4) observation reports from the 1996 community census; (5) review responses to recommendations; and (6) update of geography programs.

The CAC on the Asian and Pacific Islander Populations: (1) issues from last meeting; (2) review of background papers; (3) report from working group on outreach and promotion; and (4) review responses to recommendations.

The CAC on the Hispanic Population: (1) issues from the last meeting; (2) review of background papers; (3) report from working group on outreach and promotion; and (4) review responses to recommendations.

The agenda for the December 6 jointly held meeting that will begin at 8:00 a.m. and end at 3:45 p.m. is: (1) How Can the Census Bureau and the Advisory Committees Work Together to Demonstrate the Usefulness of the American Community Survey for Meeting Data Needs of Racial and Ethnic Populations?; (2) What Are Some Alternatives to Achieve 90-Percent Response at the Census Tract Level?; (3) A Conversation: Advisory Committees; and (4) Committee Recommendations to the Census Bureau.

The agendas for the four committees in their separate and concurrently held meetings are as follows:

The CAC on the African American Population: discussion of committee recommendations.

The CAC on the American Indian and Alaska Native Populations: discussion of committee recommendations.

The CAC on the Asian and Pacific Islander Populations: discussion of committee recommendations.

The CAC on the Hispanic Population: discussion of committee recommendations.

All meetings are open to the public and a brief period is set aside on December 6, during the closing session, for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau's Designated Federal Officer, Robert Marx, Room 2031, Federal Building 3, Washington, DC 20233, at least three days before the meeting.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Census Bureau Committee Liaison Officer, Ms. Maxine Anderson-Brown, Room 3039, Federal Building 3, Washington, DC 20233.

Persons wishing additional information regarding these meetings or who wish to submit written statements may contact the Committee Liaison Officer on (301) 457–2308, TDD (301) 457–2540.

Dated: November 18, 1996.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 96–29888 Filed 11–20–96; 8:45 am]

BILLING CODE 3510–07–P

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an export trade certificate of review, application No. 96–00005.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to Spirit Index, Ltd. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (1995).

The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

1. *Products*

All products.

2. *Services*

All services.

3. *Technology Rights*

Technology rights, including, but not limited to, patents, trademarks, copyrights and trade secrets that relate to Products and Services.

4. *Export Trade Facilitation Services (As They Relate to the Export of Products, Services and Technology Rights)*

Export Trade Facilitation Services, including but not limited to: professional services in the areas of government relations and assistance with state and federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; bonding; warehousing; export trade promotion; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

Spirit Index, Ltd. may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;

2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in the Export Market;

3. Enter into exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets;

4. Enter into exclusive or non-exclusive licensing, and/or sales agreements with Suppliers, Export Intermediaries, or other persons for the transfer of title to Products, Services, and/or Technology Rights in Export Markets;

5. Enter into exclusive or non-exclusive pricing and/or consignment agreements for the sale and shipment of Products and Services to Export Markets;

6. Allocate the sales, export orders and/or divide Export Markets, among Suppliers, Export Intermediaries, or other persons for the sale, licensing and/or transfer of title to Products, Services, and/or Technology Rights;

7. Enter into exclusive or non-exclusive agreements for the pooling of tangible property and other resources, the tying of Products and Services, the setting of prices, and/or the distribution, shipping or handling of Products or Services in the Export Markets; and

8. Enter into agreements to invest in overseas warehouses for the purpose of storing exported Products until transferred to the foreign purchaser, or to invest in overseas facilities for the purpose of making minor product or packaging modifications necessary to insure compatibility of the Product with the requirements of the foreign market.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, Spirit Index, Ltd. will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. Spirit Index, Ltd. will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities, and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of Section 303(a) of the Act.

Definitions

1. ''Export Intermediary'' means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. ''Supplier'' means a person who produces, provides, or sells a Product and/or Service.

A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: November 15, 1996.

W. Dawn Busby,

Director, Office of Export Trading Company Affairs.

[FR Doc. 96–29761 Filed 11–20–96; 8:45 am]

BILLING CODE 3510–DR–P

National Oceanic and Atmospheric Administration

[I.D. 110196B]

Small Takes of Marine Mammals Incidental to Specified Activities; McDonnell Douglas Aerospace Delta II Vehicles at Vandenberg Air Force Base, CA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of harbor seals, California sea lions, and northern elephant seals by harassment incidental to launches of McDonnell Douglas Aerospace Delta II (MDA Delta II) vehicles at Space Launch Complex 2W

(SLC–2W), Vandenberg Air Force Base, CA (Vandenberg) has been issued to the U.S. Air Force.

EFFECTIVE DATE: This authorization is effective from November 13, 1996 until November 13, 1997.

ADDRESSES: The application, comments on the application, the authorization, and a list of the references used in this document, and/or previous Federal Register notices on this activity may be obtained by writing to the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southwest Region, NMFS, 501 West Ocean Blvd. Long Beach, CA 90802, or by telephoning one of the contacts listed below.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Marine Mammal Division, Office of Protected Resources at 301–713–2055, or Irma Lagomarsino, Southwest Regional Office at 301–980–4016.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which U.S. citizens can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to 1 year. The MMPA defines ''harassment'' as:

> * * *any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On July 17, 1996, NMFS received an application from the U.S. Air Force requesting continuation of an authorization for the harassment of small numbers of harbor seals and potentially for other pinniped species incidental to launches of Delta II vehicles at SLC–2W, Vandenberg. These launches would place Department of Defense, National Aeronautics and Space Administration (NASA), and commercial medium-weight payloads into polar or near-polar orbits. MDA/NASA intends to launch up to 10 Delta IIs during the period of this proposed 1-year authorization.

Because SLC–2W is located north of most other launch complexes at Vandenberg, and because there are oil production platforms located off the coast to the south of SLC–2W, missions flown from SLC–2W cannot fly directly on their final southward course. The normal trajectory for a SLC–2W launch is 259.5° west for the first 90 seconds, then a 41–second dog-leg maneuver to bring the vehicle on its southward course of 196°. This trajectory takes the launch vehicle away from the coast and nearly 30 mi west of San Miguel Island (SMI), the westernmost Channel Island (Air Force 1995b)[1].

A notice of receipt of the application and the proposed authorization was published on August 29, 1996 (61 FR 45404) and a 30-day public comment period was provided on the application and proposed authorization. During the comment period, two letters were received. The recommendation and comment contained in the letter from the Marine Mammal Commission (MMC) is discussed below, comments from the applicant are minor technical corrections to the proposed authorization and do not warrant further discussion. These letters are available upon request (see **ADDRESSES**). Other than information necessary to respond to the comments, additional background information on the activity and request can be found in the above-mentioned notice and needs not be repeated here.

Comments and Responses

Comment 1: The MMC recommends that, before issuing the requested authorization, NMFS review the results of monitoring done to date to determine (1) if there may have been cumulative effects on the haul-out patterns, abundance, or productivity of harbor seals that reside in the Vandenberg area, and (2) whether the current monitoring program is sufficient to detect such effects.

Response: By limiting incidental harassment authorizations to a single year as opposed to multi-year authorizations for Letters of Authorization (LOAs) issued under section 101(a)(5)(A) of the MMPA, NMFS does not believe that Congress intended NMFS to make negligible impact assessments on activities for periods greater than the period of the authorization, nor to require holders of IHAs to monitor for periods greater than the authorization. As a result, monitoring for most activities holding IHAs are designed to be event specific, that is, for a period of time prior to the event, during the event, and after completion of the activity. Although this precludes the applicability of monitoring under a single IHA for determining long-term cumulative effects, in those cases where holders of IHAs request continuing authorizations, monitoring, over time and in conjunction with other measurements of population trends and abundances, provides information sufficient to make the necessary negligible impact determinations under section 101(a)(5)(D) of the MMPA. This is what was done for the negligible impact determination for this authorization.

Recognizing that short-term monitoring leaves unanswered the effect from cumulative impacts, the U.S. Air Force is designing research to investigate this concern. This research will use launches of Titan IVs to provide information vital for assessing long-term impacts on the physiology, behavior and survival of pinnipeds from launch noise and sonic booms. This research which will be conducted under an MMPA section 104 research permit, is expected to begin within a year.

Therefore, while NMFS is unaware of any long-term studies currently underway on the effects on pinnipeds from launch noises or sonic booms, monitoring at Vandenberg for Titan IV and other launches in the past has provided the baseline information on long-term and cumulative impacts. This information and the fact that the haul-outs along the Vandenberg coast remain active indicates that there are no immediately evident long-term, cumulative impacts. Launch noises are infrequent enough and divided between North and South Vandenberg so that these impacts are presumed to be less

[1] A list of references used in this document can be obtained by writing to the address provided above (see **ADDRESSES**).

significant, cumulatively, than human, wildlife and pet disturbances including motorized vessels.

Comment 2: The MMC states that it should be made clear that the authorization is automatically rescinded if a marine mammal is killed as a result of the authorized activity.

Response: No marine mammals are anticipated to be killed or seriously injured as a result of launchings of Delta II rockets. However, while section 101(a)(5)(D)(iv) of the MMPA provides NMFS authority to modify, suspend, or revoke an authorization if it is found that the provisions of the section are not being met, for IHA suspensions, NMFS follows procedures established for suspension of Letters of Authorization (LOAs) under section 101(a)(5)(A) of the MMPA. In that regard, an IHA may be suspended without notice and comment if emergency conditions exist that pose a significant risk to the well-being of the marine mammal stock, or if holder of an IHA is not in compliance with the conditions of the IHA. However, prior to revocation of an IHA, NMFS must satisfy the statutory notice and comment requirement. While section 101(a)(5)(B) allows NMFS to withdraw (revoke) or ''suspend for a time certain'' an LOA, subsequent to notice and comment, section 101(a)(5)(C) does not waive the notice and comment requirement where NMFS seeks to withdraw the authorization. Conditions for suspension or withdrawal of an LOA or IHA are described in 50 CFR 216.106 and 107.

Conclusion

Based upon the information provided in the proposed authorization, NMFS has determined that the short-term impact of the launching of Delta II rockets is expected to result at worst, in a minor, temporary reduction in utilization of the haulout as seals or sea lions leave the beach for the safety of the water. These launchings are not expected to result in any reduction in the number of pinnipeds, and they are expected to continue to occupy the same area. In addition, there will not be any impact on the habitat itself. Based upon studies conducted for previous space vehicle launches at Vandenberg, significant long-term impacts on pinnipeds at Vandenberg and the northern Channel Islands are unlikely.

Therefore, since NMFS is assured that the taking will not result in more than the harassment (as defined by the MMPA Amendments of 1994) of a small number of harbor seals, California sea lions, and northern elephant seals; would have only a negligible impact on the species, and would result in the least practicable impact on the stock, NMFS determined that the requirements of section 101(a)(5)(D) had been met and the incidental harassment authorization was issued.

Dated: November 13, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–29738 Filed 11–20–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 100896B]

Small Takes of Marine Mammals Incidental to Specified Activities; U.S. Coast Guard

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction notice.

SUMMARY: This document contains corrections to the notice of receipt of application (I.D. 100896B) that was published on October 17, 1996 (61 FR 54157). These corrections are necessary to inform the public of the correct sequence of events in the U.S. Coast Guard's (USCG) application for a small take authorization and its submission of the requested documents to NMFS.

ADDRESSES: A copy of the USCG application may be obtained by writing to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3226.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055.

SUPPLEMENTARY INFORMATION: On October 17, 1996, NMFS published a notice (61 FR 54157) that NMFS had received a request from USCG for a small take of certain marine mammal species incidental to USCG vessel and aircraft operations off the U.S. Atlantic shoreline over the next 5 years. This application was in response to an order dated May 2, 1995, in *Strahan* v. *Linnon* wherein the presiding District Court judge ordered USCG to apply by May 31, 1995, under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*), for a small take of northern right whales (*Eubalaena glacialis*).

Need for Correction

As published, the notice contains errors to the dates that may prove to be misleading and are in need of clarification. First, NMFS clarifies that the USCG application was hand-delivered to NMFS on May 31, 1996, not on June 2, 1996, as stated. Second, NMFS corrects an error concerning the date of the court order. The order in *Strahan* v. *Linnon* actually was dated May 2, 1995, and was revised by an order issued on May 19, 1995.

Correction of Publication

Accordingly, the publication on October 17, 1996, of the notice of receipt of application (I.D. 100896B), which was the subject of FR Doc. 96–26634, is corrected as follows:

On page 54158, in the first column, under the heading Summary of Request, paragraph one, line one, is corrected to read: ''On May 31, 1995, NMFS received an'' and line 10 is corrected to read: ''dated May 2, 1995, and was revised by an order dated May 19, 1995, in *Strahan* v.''

In the third column, paragraph two, lines 14 and 15 are corrected to read: ''USCG. For that reason, the USCG's May 31, 1995, application for a small take''

Dated: November 15, 1996.

Patricia Montanio,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–29803 Filed 11–20–96; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 111396B]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Scientific and Statistical Committee Economic Subcommittee will hold a public meeting.

DATES: The meeting will begin on December 3, 1996 at 10:00 a.m., and will recess when business for the day has been completed. The meeting will reconvene at 8:00 a.m. on December 4, 1996, and will adjourn by 3:00 p.m.

ADDRESSES: The meeting will be held at the Council office, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Seger, Economic Analysis Coordinator; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting is to begin work on development of a Council economic data plan.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Eric W. Greene at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: November 15, 1996.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 96–29804 Filed 11–20–96; 8:45 am]

BILLING CODE 3510–22–F

National Estuarine Research Reserve System; Public Meetings on Site Selection Process for Nomination of Candidate Site in Alaska

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meetings in Seldovia and Homer, Alaska, on the site selection process for the nomination of a candidate site for the National Estuarine Research Reserve System.

SUMMARY: In accordance with section 315 of the Coastal Zone Management Act of 1972, as amended, the State of Alaska and the National Oceanic and Atmospheric Administration (NOAA) intend to conduct public meetings on December 10 and 11, 1996, in Seldovia and Homer, Alaska, respectively, as part of NOAA's site selection process for the nomination of a candidate site for the National Estuarine Research Reserve (NERR) System.

DATE AND TIME: Tuesday, December 10, 1996 at 6:30 p.m.

ADDRESS: Seldovia Library Building, Multi-purpose Room, 260 Seldovia Street, Seldovia, Alaska 99663.

DATE AND TIME: Wednesday, December 11, 1996 at 7:00 p.m.

ADDRESS: Homer City Hall, City Council Chambers, 491 East Pioneer Avenue, Homer, Alaska 99603.

FOR FURTHER INFORMATION CONTACT: Janet Moser, Alaska Department of Fish and Game, at (907) 267–2341, or Matt Menashes, Program Specialist, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOAA, at (301) 713–3132, ext. 117.

SUPPLEMENTARY INFORMATION: The NERR System is dedicated to fostering a system of estuarine reserves that represents the wide range of coastal and estuarine habitats found in the United States. NOAA has developed a classification scheme and typology of national estuarine areas that places the coastlines of the United States into biogeographic regions and subareas.

Site selection criteria are based on ecological representativeness, value for research and education, and practical coastal management considerations. The site ultimately designated will be used by researchers, educators, and the general public to study estuarine ecology and coastal issues that can aid in coastal policy making and management decisions.

During the past year, the State of Alaska, in consultation with NOAA, has undertaken a process to identify a site which adequately represents the major estuarine characteristics of Southcentral Alaskan coastal ecosystems. An estuary located in Southcentral Alaska would be the first site to represent the Fjord Biogeographic Region.

After consideration of several possible sites along the Southcentral Alaska coast, the Southcentral Alaska National Estuarine Research Reserve Site Selection Committee has selected the Kachemak Bay area of Southcentral Alaska as its candidate site for nomination as a potential NERR. These public meetings are being held to provide details and solicit comments on this proposed site.

At the public meetings, the Alaska Department of Fish and Game will provide an overview of the national NERR Program; provide a summary of the Southcentral Alaska NERR initiative, including the site selection process and a description of the proposed site; and conduct an open question and answer period.

Following the public meetings, a site nomination document will be developed based on existing research documents and literature, and comments received from NOAA, the Southcentral Alaska National Estuarine Research Reserve Site Selection Committee, and the general public. The final site selection document will then be sent to the Governor of Alaska for his approval. If approved, the Governor will forward the site selection package and a nomination letter to NOAA for approval. After NOAA approves the State's proposed site, a draft and final Environmental Impact Statement and Management Plan must be prepared prior to final site designation.

The public meetings will be held at 6:30 p.m. on Tuesday, December 10, 1996, at the Seldovia Library Building, Seldovia, Alaska, and at 7:00 p.m. on Wednesday, December 11, 1996, at the Homer City Hall, Homer, Alaska.

Interested parties who wish to comment on the site selection are invited to attend. For more information contact Janet Moser, Alaska Department of Fish and Game, at (907) 267–2341 or Matt Menashes, Program Specialist, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOAA, at (301) 713–3132, ext. 117.

Dated: October 29, 1996.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves

David L. Evans,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 96–29636 Filed 11–20–96; 8:45 am]

BILLING CODE 3510–08–P

COMMODITY FUTURES TRADING COMMISSION

Applications of the New York Cotton Exchange as a Contract Market in Futures and Options on the Deutsche Mark/Spanish Peseta Cross Rate

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: The New York Cotton Exchange (NYCE or Exchange) has applied for designation as a contract market in futures and options on the Deutsche Mark/Spanish Peseta cross rate. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before December 23, 1996.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov. Reference should be made to the NYCE Deutsche Mark/Spanish Peseta cross rate contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581, telephone 202–418–5277. Facsimile number: (202) 418–5527. Electronic mail: ssherrod@cftc.gov.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5100.

Other materials submitted by the NYCE in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the NYCE, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on November 15, 1996.

Blake Imel,

Acting Director.

[FR Doc. 96–29698 Filed 11–20–96; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice of Civilian Community Corps Advisory Board Meeting

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (Corporation) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that it will hold a meeting of the Civilian Community Corps (CCC) Advisory Board. The Board advises the Director of the CCC concerning the administration of the program and assists in the development and administration of the Corps. The Board will discuss the progress of CCC to date and future direction of the program. The meeting will be open to the public, up to the seating capacity of the room.

DATES: The CCC Advisory Board will meet from 9:00 a.m.–12:00 noon on Monday, December 9, 1996.

ADDRESSES: Corporation for National and Community Service, 1201 New York Avenue NW, 8th Floor, Washington, DC 20525.

FOR FURTHER INFORMATION: To ensure adequate accommodation, prior to December 9, 1996, contact Ms. Annalisa Robles, Special Events Coordinator, Corporation for National and Community Service, 1201 New York Avenue NW, Washington, DC 20525. (202) 606–5000 ext. 153. T.D.D. (202) 565–2799.

Dated: November 13, 1996.

Fred Peters,

Acting Director, National Civilian Community Corps.

[FR Doc. 96–29794 Filed 11–20–96; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF EDUCATION

DEPARTMENT OF LABOR

Office of School-to-Work Opportunities

Advisory Council for School-to-Work Opportunities; Notice of Open Meetings

SUMMARY: The Advisory Council for School-to-Work Opportunities was established by the Departments of Education and Labor to advise the Departments on implementation of the School-to-Work Opportunities Act. The Council assesses the progress of School-to-Work Opportunities systems development and program implementation; makes recommendations regarding progress and implementation of the School-to-Work initiative; advises on the effectiveness of the new Federal role in providing venture capital to States and localities to develop School-to-Work systems and acts as advocates for implementing the School-to-Work framework on behalf of their stakeholders.

TIME AND PLACE: The Advisory Council for School-to-Work Opportunities will have an open meeting on Wednesday, December 4, 1996 from 8:30 a.m.–1:30 p.m. and from 3:30 p.m.–4:30 p.m. at the Capital Hilton, 16th and K Streets, NW., Washington, DC 20036.

AGENDA: The agenda for the meeting from 8:30 a.m. to 1:30 p.m. will include opening remarks, a panel on related education and workforce development initiatives, an update of School-to-Work implementation and state and local presentations. During the afternoon, the Council's subcommittees will meet to organize their reports to the Council on their activities. The agenda from 3:30 p.m. to 4:30 p.m. will include reports from the various subcommittees, a summary of the day's meeting and a discussion of future actions.

PUBLIC PARTICIPATION: The meeting Wednesday, December 4 from 8:30 a.m.–1:30 p.m. and 3:30 p.m. to 4:30 p.m. will be open to the public. Seats will be reserved for the media. Individuals with disabilities in need of special accommodations should contact the Designated Federal Official (DFO), listed below, at least 7 days prior to the meeting.

FOR ADDITIONAL INFORMATION CONTACT: JD Hoye, Designated Federal Official (DFO), Advisory Council for School-to-Work Opportunities, Office of School-to-Work Opportunities, 400 Virginia Avenue, SW., Room 210, Washington, DC, (202) 401–6222, (This is not a toll free number.)

Due to scheduling difficulties, we are giving less than the full advance notice of the meeting.

Signed at Washington, DC, this 18th day of November, 1996.

Timothy M. Barnicle,

Assistant Secretary of Labor.

Patricia W. McNeil,

Assistant Secretary of Education.

[FR Doc. 96–29781 Filed 11–20–96; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT97–11–000]

Algonquin LNG, Inc.; Notice of Proposed Changes in FERC Gas Tariff

November 15, 1996.

Take notice that on November 8, 1996, Algonquin LNG, Inc. (Algonquin LNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet with a proposed effective date of December 1, 1996:

Fourth Revised Sheet No. 200

Algonquin LNG states that the purpose of this filing is to reflect change in Algonquin LNG's index of customers.

Algonquin LNG states that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29730 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–403–001]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

November 15, 1996.

Take notice that on November 12, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, the following revised tariff sheets, to be effective November 1, 1996:

Second Revised Volume No. 1
Fourth Revised Sheet No. 2
Third Revised Sheet Nos. 5 through 7
Fifteenth Revised Sheet No. 8
Seventeenth Revised Sheet No. 9
Third Revised Sheet Nos. 11 and 12
Seventeenth Revised Sheet No. 13
Third Revised Sheet Nos. 14 and 15
Seventeenth Revised Sheet No. 16
Sixteenth Revised Sheet No. 17
Substitute Fifth Revised Sheet No. 17A
Substitute Second Revised Sheet No. 187.1
Substitute First Revised Sheet No. 187.2
First Revised Sheet Nos. 187A and 187B
Second Revised Sheet No. 188
Fourth Revised Sheet No. 191
Original Volume No. 2
Third Revised Sheet No. 13
Ninth Revised Sheet No. 14
Substitute Third Revised Sheet No. 15

ANR states that the purpose of this filing is to reflect the removal of the ''Rate Adjustment for Viking Transportation Costs'' provision contained in Section 29 of the General Terms and Conditions of its tariff, and the removal of approximately $10.2 million of Viking Transportation Costs from its base rates.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29729 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–24–001]

Carnegie Interstate Pipeline Company; Notice of Compliance Filing

November 15, 1996.

Take notice that on November 12, 1996, Carnegie Interstate Pipeline Company (CIPCO), tendered for filing in compliance with the letter order issued in the above-captioned proceeding on October 31, 1996, the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1:

Substitute Tenth Revised Sheet No. 7

CIPCO proposed that the tariff sheet become effective on November 1, 1996.

Since the time that CIPCO submitted Tenth Revised Sheet No. 7 in its Annual Transportation Cost Rate filing, the Commission approved in Docket No. TM97–1–120–001 a revised Annual Charge Adjustment (ACA) of $0.0019 for CIPCO, effective October 1, 1996. As directed by the Commission in its letter order in this proceeding, CIPCO filed a substitute sheet to reflect its Commission—approved ACA on the tariff sheet effective November 1, 1996.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29732 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–190–006]

Colorado Interstate Gas Company; Notice of Tariff Filing

November 15, 1996.

Take notice that on November 12, 1996, Colorado Interstate Gas Company (CIG), tendered for filing Fourth Revised Sheet No. 229. CIG states that on March 29, 1996 it filed to change rates for all currently-offered Jurisdicational Services in Docket No. RP96–190–000 (75 FERC CCH) ¶ 61,090). CIG has discovered that Sheet No. 229 was erroneously stated as Second Revised Sheet No. 229 instead of Fourth Revised Sheet No. 229. CIG is filing to correct this error. CIG states that no other change is proposed for this sheet.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference. room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29733 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–54–000]

Florida Gas Transmission Company; Notice of Application

November 15, 1996.

Take notice that on October 21, 1996, as supplemented on November 8, 1996, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP97–54–000 an application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Federal Energy Regulatory Commission's Regulations for permission and approval to abandon

by sale to Southern Natural Gas Company (Southern) FGT's ownership interest in certain pipeline, measurement and appurtenant facilities know as Cognac Pipeline located just off the Louisiana Gulf Coast in the Outer Continental Shelf, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

FGT states that the Cognac Pipeline was originally constructed to deliver reserves from Mississippi Canyon Blocks 150, 151, 194, and 195 in the offshore Louisiana area. The Cognac Pipeline Consists of: (1) 26.3 miles of 16-inch pipeline extending from the platform in Block 194 to the South Pass in Plaquemines Parish, Louisiana; (2) 13.4 miles of 18-inch pipeline extending from the South Pass in Plaquemines Parish to a point of interconnection with Southern's existing 14-inch Romere Pass Pipeline, Plaquemines Parish, Louisiana; (3) .3 miles of 14-inch Pipeline from the Block 194 platform riser; and (4) a receiving station consisting of measurement facilities and certain related and appurtenant facilities.

FGT seeks to abandon by sale its 25.29502% interest in the Cognac Pipeline to Southern, which will acquire FGT's interest under its Part 157 Subpart F Blanket Construction Certificate upon Commission approval to abandon these facilities. FGT states that the sales price for the facilities to be conveyed to Southern is $137,000, which will be a net gain since the facilities are fully depreciated. FGT proposes to sell its interest in the Cognac Pipeline because the purchase gas contract in the offshore Louisiana area has been terminated and the Cognac Pipeline is a non-contiguous lateral off the FGT system.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1996, file with the Federal Energy Regulatory Commission (888 First Street, NE., Washington, D.C. 20426) a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for FGT to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29737 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–78–000]

South Georgia Natural Gas Company; Notice of Revised Tariff Sheets

November 15, 1996.

Take notice that on November 8, 1996, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective November 1, 1996:

Sixth Revised Sheet No. 5
Sixth Revised Sheet No. 6
Fourth Revised Sheet No. 14
Fourth Revised Sheet No. 32

South Georgia states that the instant filing is submitted in order to remove certain provisions in its Tariff concerning a volumetric take-or-pay surcharge that is no longer being assessed.

South Georgia states that copies of the filing were served upon South Georgia's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of South Georgia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29735 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–77–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

November 15, 1996.

Take notice that on November 8, 1996, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, First Revised Twenty First Revised First Revised Sheet No. 27. The tariff sheet is proposed to become effective November 1, 1996.

Transco states that the instant filing is for the limited purpose of revising Transco's Rate Schedule GSS rates to reflect in such rates the cost of the 3 Bcf of base gas purchased by Transco pursuant to the authorizations granted by the Federal Energy Regulatory Commission on June 13, 1996, in Docket Nos. CP96–226–000 and CP96–238–000.

Transco states that it is serving copies of the instant filing to its Rate Schedule GSS customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29734 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP97–93–000]

Viking Gas Transmission Company; Notice of Application

November 15, 1996.

Take notice that on November 12, 1996, Viking Gas Transmission Company (Applicant), 825 Rice Street, St. Paul, Minnesota 55117–5485 has filed under Section 7(c) of the Natural Gas Act (NGA), for a certificate to do the following:

(1) Construct, and operate 10.5 miles of 24-inch pipeline loop, in Kittson County, Minnesota, extending from milepost 2201–2 + .07, to milepost 2201–2 + 0.01;

(2) Construct and operate 11.8 miles of 24-inch pipeline loop, in Polk County, Minnesota, extending from milepost 2204–2 + 0.00, to milepost 2204–2 + 11.82;

(3) Construct and operate 7.1 miles of 24-inch pipeline loop, in Norman and Clay Counties, Minnesota, extending from milepost 2207–2 + 4.42 to milepost 2207–2 + 11.54;

(4) install and operate five 4,700 horsepower gas combustion turbine compressor units to be located at the following compressor stations:

A. Angus Compressor Station in Polk County, Minnesota.

B. Ada Compressor Station in Norman County, Minnesota.

C. Frazee Compressor Station in Ottertail County, Minnesota.

D. Staples Compressor Station in Todd County, Minnesota.

E. Milaca Compressor Station in Mille Lacs County, Minnesota.

(5) install a new meter station for the city of Perham, Minnesota.

Proposed construction will cost $27.9 million. The facilities will be used to provide additional firm transportation capacity from the Emerson Interconnection for the following shippers:

Customer	Delivery point	Dth/day
City of Perham, Minnesota	Perham	750.
Minnegasco	Cambridge, MN	20,000 (Nov-Mar).
Coastal Gas Marketing Co.	Marshfield, WI	27,500
J.R. Simplot Co.	North Branch, MN	2,500.
	Grand Forks, MN	3,500.
	Marshfield, WI	4,500.
	North Branch, MN	500.
RDO Foods Co.	RDO Foods	1,200.
Kimball Trading Co. L.L.C.	North Branch, MN	850 (Nov-Mar).
		2,350 (Apr-Oct).
Unsubscribed (summer)	North Branch, MN	4,500.
Total		61,300 (winter).
		47,300 (summer).

Applicant states that it holds precedent agreements with each of these prospective shippers. Applicant also claims that this project will provide greater reliability and additional operating flexibility for existing customers.

Applicant proposes to charge the shippers an incremental demand rate of $8.65/Dth/Mo. The initial commodity and fuel rates for the project shippers will be equal to Applicant's existing rates for firm shippers under Rate Schedule FT–A.

Any person desiring to be heard or to make any protest with regard to this application should on or before December 6, 1996, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29736 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP96–400–002 and RP89–183–067]

Williams Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

November 15, 1996.

Take notice that on November 12, 1996, Williams Natural Gas Company (WNG), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, Second Substitute, Second Revised Sheet Nos. 8C and 8D, with the proposed effective date of November 1, 1996.

WNG states that on September 30, 1996, as amended on October 15, 1996, it filed its fourth quarter report of take-or-pay buyout, buydown and contract reformation costs and gas supply related transition costs. Subsequent to the September 30 and October 15 filings, a contract was entered into with Greeley Gas Company which is retroactive to October 1, 1996. Revised Schedule 4 is being filed to reflect the revised MDTQ for Greeley Gas and the revised allocation to each Shipper. All other aspects for WNG's September 30 filing, as revised October 15, are unchanged.

WNG states that a copy of its filing was served on all of WNG's jurisdictional customers and interested state commissions.

Any persons desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–29731 Filed 11–20–96; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5653–5]

Toxic Chemical Release Reporting, Recordkeeping, Supplier Notification and Petitions; Renewal Submission to OMB; OMB No. 2070–0093

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), and 5 CFR 1320.12(c) of its implementing regulations, this notice announces that the Office of Prevention, Pesticides and Toxic Substances has forwarded the Information Collection Request (ICR) abstracted in this notice to the Office of Management and Budget (OMB) for review and approval pursuant to 5 CFR 1320.12(a)(2). The ICR, which is entitled: Toxic Chemical Release Reporting, Recordkeeping, Supplier Notification, and Petitions under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPA ICR No. 1363.06; OMB Approval No. 2070–0093), describes the nature of the information collection, its expected cost and burden, and the actual data collection instrument or form. The Agency is requesting that OMB renew its approval of this ICR, which has been approved under a Congressional legislative extension of an OMB approval in 1992 and is effective until the Agency promulgates revisions to the Form R and Instructions pursuant to law. On August 30, 1996, EPA issued a Federal Register notice proposing this submission and providing 60 days for public comment on the request and the contents of this ICR (61 FR 45964). EPA received several comments during the comment period, many of which related to a recent, but separate, proposed rule to expand reporting under EPCRA section 313, those comments were forwarded to the EPA staff working on that rulemaking. Comments directly related to this ICR have been addresssed within the revised ICR submitted to OMB.

DATES: Any additional comments must be submitted to the addresses listed below on or before December 23, 1996.

FOR A COPY CALL: Sandy Farmer at EPA, 202–260–2740, or via e-mail at ''farmer.sandy@epamail.epa.gov'' and refer to EPA ICR No. 1363.06; OMB No. 2070–0093.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the following addresses: Ms. Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW, Washington, DC 20460, with a copy also sent to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503. Please refer to EPA ICR No. 1363.06 and OMB Control No. 2070–0093 in any correspondence.

SUPPLEMENTARY INFORMATION:

Review Requested: This is a request to extend the approval for a current information collection.

ICR Numbers: EPA ICR No. 1363.06 and OMB No. 2070–0093.

Current Expiration Date: Congress legislatively extended the approval granted by OMB in May 1992 until EPA promulgates changes to the Form R and Instructions. As indicated within this ICR, EPA is amending the Form R and Instructions in response to several comments.

Respondents: The statute applies the reporting requirement to owners and operators of facilities that have 10 or more full-time employees, manufacture or process more than 25,000 pounds or otherwise use more than 10,000 pounds of a listed chemical, and are in Standard Industrial Classification (SIC) codes 20 through 39. The SIC code determination applies to all operations within each two-digit category, including all sub-categorizations to the four-digit level. The following listing identifies the SIC codes and corresponding categories at the two-digit level:

SIC code	Industry Group
20	Food
21	Tobacco
22	Textiles
23	Apparel
24	Lumber and Wood
25	Furniture
26	Paper
27	Printing/Publishing
28	Chemicals
29	Petroleum
30	Rubber and Plastics
31	Leather
32	Stone, Clay, and Glass
33	Primary Metals
34	Fabricated Metals
35	Machinery (ex. electrical)
36	Electrical/Electronic equipment
37	Transportation Equipment
38	Instruments
39	Miscellaneous Manufacturing

Establishments that are part of a multi-establishment facility have the option to report separately, provided that all of the releases and waste management data from all of the establishments in that facility are reported.

Title: Toxic Chemical Release Reporting, Recordkeeping, Supplier Notification, and Petitions under Section 313 of the Emergency Planning and Community Right-to-Know Act.

Abstract: This Information Collection Request (ICR) covers the information collection requirements for toxic chemical release reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 U.S.C. 11001 *et seq.*) and the information collection in section 6607 of the Pollution Prevention Act (PPA) (42 U.S.C. 11071 to 11079). In short, EPCRA § 313 requires owners or operators of certain facilities (i.e., currently manufacturing facilities in Standard Industrial Classification (SIC) codes 20 through 39) manufacturing, processing, or otherwise using any of over 600 listed toxic chemicals and chemical categories (hereafter ''toxic chemicals'') in excess of the applicable threshold quantities, and meeting certain requirements (i.e., at least 10 employees), to report environmental releases and transfers of and waste management activities for such chemicals annually. Under section 6607 of the PPA, facilities must provide information on the quantities of the toxic chemicals in waste streams and the efforts made to reduce or eliminate those quantities. Currently, facilities subject to the TRI reporting requirements may either use the EPA Toxic Chemical Release Inventory Form R (EPA Form 9350–1), or the EPA Toxic Chemical Release Inventory Form A (formerly ''Certification Statement'',

EPA Form 9350–2, which is approved under OMB Number 2070–0143). The Form R must be completed if a facility manufactures, processes, or otherwise uses any listed chemical above threshold quantities and meets certain other criteria. For the Form A, EPA established an alternate threshold for those facilities with low annual reportable amounts of a listed toxic chemical. A facility that meets the appropriate reporting thresholds, but estimates that the total annual reportable amount of the chemical does not exceed 500 pounds per year, can take advantage of an alternate manufacture, process, or otherwise use threshold of 1 million pounds per year for that chemical, provided that certain conditions are met, and submit the Form A instead of the Form R.

In accordance with EPCRA section 313 (and PPA section 6607 because of its linkage to EPCRA), EPA's Office of Pollution Prevention and Toxics (OPPT) collects, processes, and makes available to the public all of the information collected. The information gathered under these authorities is stored in a database maintained at both EPA and the National Library of Medicine (NLM); NLM provides public access to the TRI database through the Toxicology Data Network (TOXNET). The TRI has been used extensively by both EPA and the public sector. Program offices within EPA have used the TRI, along with other sources of data, to establish priorities, evaluate potential exposure scenarios, and for enforcement activities. Environmental and public interest groups have used the data in several studies and reports, making the public more aware of releases of chemicals in their communities.

Comprehensive publicly-available data about releases, transfers, and other waste management activities of toxic chemicals at the community level, outside of EPCRA section 313, are generally not available. Permit data are often difficult to obtain, are not cross-media and present only a limited perspective on a facility's overall performance. With TRI, and the real gains in understanding it has produced, communities and governments know what listed toxic chemicals industrial facilities (SIC 20–39) in their area release, transfer, or otherwise manage as waste. In addition, industries have an additional tool for evaluating efficiency and progress on their pollution prevention goals.

OMB approved the reporting and recordkeeping requirements related to Form R, supplier notification, and petitions under OMB Control No. 2070–0093 (EPA ICR No. 1363). Although that OMB approval would have ordinarily expired on November 30, 1992, Congress extended the approval legislatively in September of 1992, until EPA promulgates changes to the Form R and Instructions. This approval was contained in the 1993 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, Pub.L. 102–389, signed October 6, 1992, which specifically states that:

> Notwithstanding the Paperwork Reduction Act of 1980 or any requirements thereunder the Environmental Protection Agency Toxic Chemical Release Inventory TRI Form R and instructions, revised 1991 version issued May 19, 1992, and related requirements (OMB No. 2070–0093), shall be effective for reporting under section 6607 of the Pollution Prevention Act of 1990 (Public Law 101–508) and section 313 of the Superfund Amendments and Reauthorization Act of 1990 (Public Law 99–499) until such time as revisions are promulgated pursuant to law.

OMB's approval of this ICR will replace the Congressional extension of OMB's 1992 approval described above, requiring EPA to seek subsequent OMB approvals pursuant to the Paperwork Reduction Act (PRA) (Pub. L. 104–13, codified at 44 U.S.C. 3501–3520) and the procedures specified at 5 CFR 1320.12. As specified by 5 CFR 1320.12(a)(1), EPA issued a Federal Register notice on August 30, 1996, which sought comments as required by 5 CFR 1320.8(d) regarding the burden estimates and the information collection activities described in the proposed ICR (61 FR 45964). EPA has reviewed the comments received during the 60-day comment period, and is submitting this final ICR to OMB for review and approval, pursuant to 1320.12(a)(2). Until OMB approves EPA's proposed changes to the Form R and Instructions, as described in this ICR, the Congressional extension of OMB's 1992 approval and use of the previous Form R and instructions will continue in effect.

A commenter to the proposed ICR stated that the Congressional extension of OMB's 1992 approval, which basically exempted the Agency from the requirements of the PRA, was superseded by the reauthorization and amendment of the PRA in 1995. In essence asserting that the Congressional extension of OMB's 1992 approval expired in 1995 because Congress cited the 1980 PRA, which ceased to exist when the 1995 PRA was enacted in its place. The commenter asserts that the Agency was, therefore, required to seek OMB approval even though no changes to the Form R and Instructions were made. The flaws in this interpretation are obvious because it is clear that the 1995 reauthorization and amendments to the PRA did not in any way invalidate or otherwise change, any of the OMB approvals previously granted. This is especially true in light of the legislative interpretation maxim that ''implicit repeals are disfavored,'' i.e., when Congress means to repeal an earlier exemption, Congress will use explicit language to do so. In this case, Congress used no such language and, to the contrary, discusses the continuation of previous approvals until their scheduled renewals.

The Paperwork Reduction Act of 1995 states that the Agency must certify that each information collection it submits to OMB for review and approval meets specified standards. EPA must certify that the collection is: 1) necessary for the proper performance of EPA's functions, and that it has practical utility; 2) is not unnecessarily duplicative of information EPA otherwise can reasonably access; and 3) reduces, to the extent practicable and appropriate, the burden on persons providing the information to or for EPA. In this ICR, EPA clearly demonstrates that the information being collected under EPCRA section 313 is necessary for the implementation of the law and is of essential use to the Agency in carrying out its functions by listing ways in which Agency program offices and outside parties utilize the data; that the information collected in EPA reporting Form R is not duplicative of information collected by other environmental regulations as evidenced by the information contained in chapter 5 of this ICR; and, that through use of the alternate threshold reporting option, the petition process, automated Form R reporting, the TRI List Review effort which evaluates the original list of TRI chemicals and removes from the EPCRA section 313 reporting list any chemical which does not meet the listing criteria, EPA has reduced, to the best of its ability, the burden on persons providing the information being collected under EPCRA section 313.

The existing reporting and recordkeeping requirements associated with Form R, supplier notification and petitions are discussed in this ICR (EPA ICR No. 1363), which is separate from the ICR related to the alternate reporting requirement of Form A. The reporting and recordkeeping requirements associated with the alternate reporting requirement using Form A are contained in a separate ICR and are approved under OMB Control No. 2070–0143 (EPA ICR No. 1704). OMB recently extended its approval of EPA ICR No. 1704, which was scheduled to expire on

September 30, 1996, providing a new expiration date of May 31, 1998. Please note that these two ICRs function entirely separately, such that the OMB action taken with regard to EPA ICR No. 1704 applies only to the alternate reporting requirements and Form A, and that any OMB action taken with regard to this ICR (EPA ICR No. 1363.06), will apply only to the existing reporting and recordkeeping requirements associated with Form R, supplier notification and petitions. The revised form discussed in this ICR will not become effective until OMB approves it.

In addition, EPA recently proposed to amend the TRI reporting and recordkeeping requirements by proposing to add several additional industry groups to the universe of respondents subject to reporting (61 FR 33588, June 27, 1996). As required by section 3507(d) of the PRA and 5 CFR 1320.11, EPA announced and sought comment on the proposed Expansion of the List of Industrial Groups ICR (EPA ICR No. 1784), which provided burden estimates for the information collection contained in the proposed rule. Since the comment period for the industrial group expansion rule was extended for an additional 30 days, the public had a total of 90 days to provide comments on the information collection requirements contained in that proposed rule.

When the final rule for Industry Expansion is issued, the information collection requirements contained in the final rule will be reflected in a revised EPA ICR No. 1784, which will be submitted to OMB for review and approval pursuant 5 CFR 1320.11(h). That submission must occur no later than publication of that final rule in the Federal Register and the submission must be announced in a Federal Register (issued either separately or as part of the final rule). Upon OMB's approval of the expansion related ICR (ICR No. 1784.02), EPA will amend add the expansion burdens to the existing burdens associated with overall TRI reporting and recordkeeping (i.e., those in ICR Nos. 1363 and 1704). Specifically, EPA would amend the existing ICRs by submitting an Information Correction Worksheet to OMB requesting that the burden hours associated with each ICR be adjusted to include the new burden hours imposed by that final rule.

EPA received several comments on this ICR during its 60 day comment period. In general, the commenters submitting information to EPA ICR No. 1363.06 were comprised mainly of industry members in addition to two commenters from the Federal Government. Copies of these comments can be found in docket number OPPTS–198. Comments received focused mainly on the practical utility of the information collected by EPA under EPCRA section 313; the Agency's definition of ''release'' as reflected in TRI reporting Form R, §§ 5.4 and 5.5.1; EPA's adherence to the Paperwork Reduction Act of 1980 and 1995; the purported need for EPA to measure risk, not releases; and, the need for further consideration by the Agency of an expanded use of TRI reporting Form A, the alternate threshold reporting form. EPA has provided additional information and discussion herein, as applicable, in response to the comments submitted to the ICR. Those issues that related solely to the requirements contained in the alternate reporting threshold rule, or those contained in the recently proposed expansion rule, were forwarded to the appropriate staff for consideration in relationship to those requirements.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 47.1 hours per Form R submitted. This estimate includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. No person is required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR Part 9.

Respondents/Affected Entities: Chemical facilities that manufacture, process or otherwise use certain toxic chemicals and which are required, under EPCRA section 313, to report annually to EPA their environmental releases of such chemicals.

Estimated No. of Respondents: 23,725.

Estimated Total Annual Burden on Respondents: 5,538,727 hours.

Frequency of Collection: Annual.

Accordingly, this ICR has been submitted to OMB for review and approval.

Changes in Burden Estimates: The total respondent burden has increased approximately 651,000 hours from the previous ICR. A table in the ICR (Table 16), illustrates the major program changes and adjustments that have occurred since the previous ICR and the corresponding changes in the number of expected Form R Forms and related annual burden estimates. The impacts of the 1995 and 1996 program changes on the Form A ICR (No. 1704) burden are also included in the discussion, but the burdens are not included in the total estimates for this ICR. The changes in burden can be attributed to several factors, as briefly discussed below:

1994 Program Change—Chemical Expansion Rule. In November 1994, EPA added 286 chemicals and chemical categories to the EPCRA section 313 list of chemicals and chemical categories. These new chemicals were reportable beginning with the 1995 reporting year. This program change would, at full compliance, add up to 14,036 reports, or an additional 729,872 burden hours. The Chemical Expansion Rule would, at full compliance, also result in an additional 407 supplier notification facilities, for an increase in total annual burden of 9,768 hours. The total impacts due to the Chemical Expansion Rule are therefore an additional 14,036 reports and an increase in burden of 739,640 hours.

A. 1995 Program Change—Alternate Threshold Rule. In 1995, EPA provided a simplified reporting option for facilities with an annual reportable amount of less than 500 pounds for a chemical. Facilities that do not exceed the reportable amount of 500 pounds and that do not exceed the alternate activity threshold of one million pounds have the option of reporting on Form A (a two page certification) in lieu of the nine page Form R. Up to 23,288 fewer Form Rs may be filed as a result, for a decrease in annual burden of 1,210,976 hours.

1995 and 1996 Program Changes—Petition Delistings. The list of toxic chemicals subject to reporting under EPCRA section 313 is not static. The list can be modified either as a result of an Agency-initiated action or as a result of a petition submitted by the public. If a listed chemical does not meet the toxicity criteria of EPCRA section 313(d)(2), the Administrator may delete the chemical from the EPCRA section 313 list. Since the previous ICR, a number of chemicals have been delisted, or had their listings modified in such a way as to reduce reporting. These include ammonia, sulfuric acid, acetone, butyl benzyl phthalate, certain copper phthalocyanine compounds, hydrochloric acid, and diethyl phthalate. At full compliance, this is estimated to reduce the number of Form

Rs by 12,386 reports and total annual burden by 644,072 hours.

I. Adjustments. Several adjustments were made to update burden estimates. In 1994, the unit burden for the compliance activities of calculations and report completion and recordkeeping needed for Form R completion was increased, resulting in a total increase in burden of 1,523,016 hours. Additional adjustments include an increase in the burden for compliance determination, a further increase in the burden for calculations and report completion, a decrease in the respondent universe from 188,232 to 185,266 facilities, and an adjustment for the burden of completing petitions. These adjustments combined result in a burden increase of 1,766,455 hours.

A. Wage Rates. An increase in wage rates from the previous ICR to account for inflation, while not affecting respondent burden, has increased the unit cost to respondents.

The program changes reduced burden by an estimated 1,115,408 hours while the adjustments resulted in an estimated increase of 1,766,455 hours, yielding a net increase of 651,047 hours.

Dated: November 15, 1996.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 96–29796 Filed 11–20–96; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–00186A; FRL–5573–9]

Facility Identification Initiative; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: EPA will hold two public meetings to receive public comment on issues regarding the consolidated reporting of facility identification information, as raised by the Agency's facility identification initiative.

DATES: The meetings will take place in Chicago, IL, on December 10, 1996, and in Washington, DC, on December 12, 1996. Both meetings will begin at 10 a.m. and will continue through 4 p.m. or until all speakers have had the opportunity to make presentations, whichever is first. The registration deadline for those interested in speaking at either meeting is December 5, 1996.

ADDRESSES: The meeting in Washington, DC will be held at the EPA Education Center, Environmental Protection Agency, 401 M St., SW., Washington, DC. The meeting in Chicago, IL will be held at U.S. EPA, Region 5, Metcalf Building Rm. 325, 77 West Jackson Blvd., Chicago, IL.

FOR FURTHER INFORMATION CONTACT:

Diane Sheridan, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NE–G606E, Mail Code 7407, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260–3435, e-mail: sheridan.diane@epamail.epa.gov. To register to speak, please call the registration line at (703) 218–2700.

SUPPLEMENTARY INFORMATION: The Facility Identification Initiative represents a significant Agency reinvention commitment. The overarching goal of the Facility Identification Initiative is to streamline access to and reporting of environmental data by establishing a uniform set of facility identification data and the infrastructure needed to make it operational. The President announced this initiative in the March 1995 report, Reinventing Environmental Regulation.

On October 7, 1996 (61 FR 52588) (FRL–4991–5), the Agency issued a notice in the Federal Register to outline the Facility Identification Initiative and present numerous issues and several options for public comment. The purpose of the public meetings is to provide public forums for interested parties to provide input on the issues raised by the Facility Identification Initiative. Oral statements may be limited to 10 minutes per person and will be scheduled on a first-come first-serve basis by calling the telephone number listed under **FOR FURTHER INFORMATION CONTACT.** EPA encourages meeting participants to provide written statements. All statements will become part of the public record and will be considered in the development of any approaches toward implementing the Facility Identification Initiative. In order to accommodate and schedule speakers, EPA requests that those interested in speaking register by December 5, 1996.

List of Subjects

Environmental protection.

Dated: November 15, 1996.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 96–29797 Filed 11–20–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5653–6]

Clean Air Act Advisory Committee: Accident Prevention Subcommittee Conference Call Meeting—December 11, 1996, 2:00–4:00 EST

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Clean Air Act section 112(r) required EPA to publish regulations to prevent accidental releases of chemicals and to reduce the severity of those releases that do occur. These accidental release prevention requirements build on the chemical safety work begun by the Emergency Planning and Community Right-to-Know Act (EPCRA) which sets forth requirements for industry, State and local governments. On June 20, 1996, EPA published the final rule for risk management programs to address prevention of accidental releases.

An estimated 66,000 facilities are subject to this regulation based on the quantity of regulated substances they have on-site. Facilities that are subject will be required to implement a risk management program at their facility, and submit a summary of this information to a central location specified by EPA. This information will be helpful to State and local government entities responsible for chemical emergency preparedness and prevention. It will also be useful to environmental and community organizations, and the public in understanding the chemical risks in their communities. In addition, we hope the availability of this information will stimulate a dialogue between industry and the public to improve accident prevention and emergency response practices.

The Accident Prevention Subcommittee was created in September 1996 to advise EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) on these chemical accident prevention issues, specifically, section 112(r) of the Clean Air Act.

DATES: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the Accident Prevention Subcommittee of the Clean Air Act Advisory Committee will hold a public teleconference on December 11, 1996 from 2:00 p.m. to 4:00 p.m. Eastern Standard Time.

ADDRESSES: The meeting will be held in the Washington Information Center #13 North, in EPA Headquarters, 401 M St. NW, Washington, D.C. 20460. Members of the public are welcome to attend in

person. The Accident Prevention Subcommittee will call into the meeting by teleconference. Due to the limited teleconference lines, there will not be additional lines for the public to call in.

FOR FURTHER INFORMATION CONTACT: Members of the public desiring additional information about this meeting, should contact Karen Shanahan, Designated Federal Official, US EPA (5101), 401 M. St., SW, Washington, DC 20460, via the Internet at: shanahan.karen@epamail.epa.gov., by telephone at (202) 260–2711 or FAX at (202) 260–7906.

SUPPLEMENTARY INFORMATION: The agenda, meeting summaries and other information on the Accident Prevention Subcommittee and Electronic Submission Workgroup are available on the Internet at: http://www.epa.gov/swercepp/rmp-wg.html

If you would like to automatically receive future information on the Accident Prevention Subcommittee and the Electronic Submission Workgroup by email please send an email to Karen Shanahan at: shanahan.karen@epamail.epa.gov requesting to be put on the email list for these groups.

Agenda

1. Update of Subcommittee membership.

2. Update on the progress of the Electronic Submission Workgroup. The Electronic Submission Workgroup has been meeting since October 9th to develop recommendations on how electronic submission of ''risk management plans'' (RMPs) can be accomplished and how the public can best access and utilize the data.

3. Review of Issues in preparation for the next Accident Prevention Subcommittee meeting in March/April 1997.

Members of the public who wish to make a brief oral presentation in person in Washington, D.C. to the Subcommittee at the December 11 meeting, must contact Karen Shanahan in writing (by letter, fax, or email—see previously stated information) no later than 12 noon Eastern Time, December 5, 1996 in order to be included on the agenda. Written comments may be submitted to the Accident Prevention Subcommittee or the Electronic Submission Workgroup up through the date of the meeting. Please address such material to Karen Shanahan at the above address.

The Accident Prevention Subcommittee expects that public statements presented at its meetings will not be repetitive or previously submitted oral or written statements. In general, for teleconference call meetings, opportunities for oral comment will be limited to no more than three minutes per speaker and no more than fifteen minutes total. Written comments (twelve copies) received sufficiently prior to a meeting date (usually one week prior to a meeting or teleconference), may be mailed to the Subcommittee prior to its meeting.

Dated: November 18, 1996.

Karen Shanahan,

Designated Federal Official.

[FR Doc. 96–29795 Filed 11–20–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–002744–088
Title: West Coast of South America Agreement
Parties:
A.P. Moller-Maersk Line
Compania Chilena de Navigacion Interoceania, S.A.
Compania Sud Americana de Vapores, S.A.
Crowley American Transport, Inc.
Sea-Land Service, Inc.
South Pacific Shipping Company, Ltd. d/b/a Ecuadorian Line
Synopsis: The proposed amendment would revise the provisions related to the financial obligations of a member who resigns from the Agreement.

Dated: November 15, 1996.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 96–29757 Filed 11–20–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 5, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Brenda Joan Pace, Pretty Prairie, Kansas; to acquire an additional 18.83 percent, for a total of 22.88 percent, and Daniel R. Pace, also of Pretty Prairie, Kansas, to acquire a total of 22.88 percent, of the voting shares of Prairie Bankshares, Inc., Bucklin, Kansas, and thereby indirectly acquire State Bank of Pretty Prairie, Pretty Prairie, Kansas.

2. Joanne F. Shephard, and Mary K. Gustafson, both of Valentine, Nebraksa; as co-executrixes to acquire an additional 53.99 percent, for a total of 69.33 percent, of the voting shares of Valentine Bancorporation, Valentine, Nebraska, and thereby indirectly acquire The First National Bank of Valentine, Valentine, Nebraska.

Board of Governors of the Federal Reserve System, November 15, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29711 Filed 11–20–96; 8:45 am]

BILLING CODE 6210–01–F

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are

set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 6, 1996.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Michael R. Schneider, Elkton, Minnesota; to acquire an additional 48.12 percent, for a total of 93.47 percent, and Cindy S. Schneider, also of Elkton, Minnesota, to acquire an additional 3.36 percent, for a total of 6.53 percent, of the voting shares of Elkton Bancshares, Inc., Elkton, Minnesota, and thereby indirectly acquire Farmers State Bank of Elkton, Elkton, Minnesota.

Board of Governors of the Federal Reserve System, November 18, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29806 Filed 11–20–96; 8:45 am]

BILLING CODE 6210–01–F

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 96-28730) published on pages 57874 and 57875 of the issue for Friday, November 8, 1996.

Under the Federal Reserve Bank of Dallas heading, the entry for SW&KM Limited Partnership, Del Rio, Texas, is revised to read as follows:

1. SW&KM Limited Partnership, Del Rio, Texas; SW&KM Holdings, LLC, Del Rio, Texas; to become bank holding companies by acquiring Westex Bancorp., Inc., Del Rio, Texas; Westex Bancorp of Delaware, Inc., Wilmington, Delaware, and Del Rio Bank & Trust Company, Del Rio, Texas; First State Bank, Brackettville, Texas; and Sutton City National Bank, Sonora, Texas.

Comments on this application must be received by December 3, 1996.

Board of Governors of the Federal Reserve System, November 15, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29712 Filed 11–20–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq*.) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 16, 1996.

A. Federal Reserve Bank of New York (Christopher J. McCurdy, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. U.S. Trust Corporation, New York, New York; to acquire 100 percent of the voting shares of U.S. Trust Company of New Jersey, Princeton, New Jersey.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Pinnacle Bancshares, Inc., Little Rock, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of Pinnacle Bank, Little Rock, Arkansas (a proposed, *de novo*, state member bank).

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Jefferson County Bancshares, Inc., Daykin, Nebraska; to acquire 38.1 percent of the voting shares of Antelope Bancshares, Inc., Elgin, Nebraska, and thereby indirectly acquire Bank of Elgin, Elgin, Nebraska.

Board of Governors of the Federal Reserve System, November 15, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29713 Filed 11–20–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq*.) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue

concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 16, 1996.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Walker Ban Co., Walker, Minnesota; to merge with Pequot Area Bancorporation, Inc., Pequot Lakes, Minnesota, and thereby indirectly acquire Lakes State Bank, Pequot Lakes, Minnesota.

Board of Governors of the Federal Reserve System, November 18, 1996.

William W. Wiles,

Secretary of the Board.

[FR Doc. 96–29807 Filed 11–20–96; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notice of Health Care Policy and Research; Special Emphasis Panel Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of the following special emphasis panel scheduled to meet during the month of December 1996:

Name: Health Care Policy and Research Special Emphasis Panel.

Date and Time: December 3, 1996, 3:00 p.m.

Place: Agency for Health Care Policy and Research, 2101 E. Jefferson Street, Suite 400, Rockville, MD 20852.

Open December 3, 1996, 3:00 p.m. to 3:15 p.m.

Closed for remainder of meeting.

Purpose: This Panel is charged with conducting the initial review of grant applications proposing analytical and theoretical research on costs, quality, access, and efficiency of the delivery of health services for the research grant program administered by the Agency for Health Care Policy and Research (AHCPR).

Agenda: The open session of the meeting on December 3, from 3:00 p.m. to 3:15 p.m., will be devoted to a business meeting covering administrative matters. During the closed session, the panel will be reviewing and discussing grant applications dealing with health services research issues. In accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6), the Administrator, AHCPR, has made a formal determination that this latter session will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members or other relevant information should contact Carmen Johnson, Agency for Health Care Policy and Research, Suite 400, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594–1449 x1613.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: November 14, 1996.

Clifton R. Gaus,

Administrator.

[FR Doc. 96–29693 Filed 11–20–96; 8:45 am]

BILLING CODE 4160–90–M

Centers for Disease Control and Prevention

[INFO–97–29]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

1. Evaluation of the Field Epidemiology Training Program—New—A questionnaire has been designed to collect information for the ''Evaluation of the Field Epidemiology Training Program'' project. The purpose of the project is to develop and implement a comprehensive evaluation strategy which will provide the International Branch, Division of Field Epidemiology, Epidemiology Program Office, with the capacity to assess the degree to which CDC's Field Epidemiology Training Program (FETP) has achieved its objectives: (1) To train public health professionals in applied epidemiological skills; (2) to promote the sustainability of autonomous FETPs; and (3) to develop a global network of national programs. The information gathered will be analyzed, in conjunction with data collected from other sources, to address these questions. The results of the project will assist the International Branch, Division of Field Epidemiology, Epidemiology Program Office, in accomplishing the part of its mission related to protecting the health of the public of the United States, through maintaining a strong international presence and an international network of public health professionals and officials. In order to focus its support to international training efforts and resource allocation, a representative view of the overall Field Epidemiology Training Program (FETP), which includes assessing the recruitment of countries, the sustainability of autonomous FETPs, the quality of training, the public health usefulness of FETP, and the international linkages of FETP is needed. The total estimated cost to the in-country respondents is $8,380.00.

Respondents	No. of respondents	No. of responses/respondent	Average burden/response (in hrs.)	Total burden (in hrs.)
FETP trainees from selected countries	150	45	0.08333	562
FETP trainers from selected countries	60	59	0.08333	295
Government officials and others who employ FETP trainees in selected countries	60	38	0.08333	190
CDC staff involved with FETP activities	24	27	0.08333	54
Total				1,101

Dated: November 15, 1996.

Wilma G. Johnson,

Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–29760 Filed 11–20–96; 8:45 am]

BILLING CODE 4163–18–P

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Idaho National Engineering Laboratory Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Center for Disease Control and Prevention (CDC) announces the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Idaho National Engineering Laboratory (INEL) Health Effects Subcommittee.

Times and Dates:

8 a.m.–5 p.m., December 10, 1996
7 p.m.–9 p.m., December 10, 1996
8 a.m.–4:30 p.m., December 11, 1996

Place: Holiday Inn Westbank, 475 River Parkway, Idaho Falls, Idaho 83402, telephone 208/523–8000, FAX 208/529–9610.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: The Subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at respective DOE sites. Activities shall focus on providing a forum for community, American Indian Tribal, and labor interaction and serve as a vehicle for community concern to be expressed as advice and recommendations to CDC and ATSDR.

Matters To Be Discussed: Agenda items include presentations from the National Center for Environmental Health (NCEH), the National Institute for Occupational Safety and Health, and ATSDR, on the progress of current studies. On December 10, at 7 p.m., the meeting will continue in order to allow more time for public input and comment.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Arthur J. Robinson, Jr., or Nadine Dickerson, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, M/S F–35, Atlanta, Georgia 30341–3724, telephone 770/488–7040, FAX 770/488–7044.

Dated: November 15, 1996.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–29759 Filed 11–20–96; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 96P–0090]

Determination That Testosterone Propionate 2% Ointment Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that testosterone propionate 2% ointment (Perandren Ointment) was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDA's) for testosterone propionate 2% ointment.

FOR FURTHER INFORMATION CONTACT: Mary E. Catchings, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–594–2041.

SUPPLEMENTARY INFORMATION: In 1984, Congress passed into law the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products approved under an ANDA procedure. ANDA sponsors must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the listed drug, which is a version of the drug that was previously approved under a new drug application (NDA). Sponsors of ANDA's do not have to repeat the extensive clinical testing otherwise necessary to gain approval of an NDA. The only clinical data required in an ANDA are data to show that the drug that is the subject of the ANDA is bioequivalent to the listed drug.

The 1984 amendments included what is now section 505(j)(6) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(6)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is generally known as the ''Orange Book.'' Under FDA regulations, drugs are withdrawn from the list if the agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness, or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (§ 314.162 (21 CFR 314.162)). Regulations also provide that the agency must make a determination as to whether a listed drug was withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (§ 314.161(a)(1) (21 CFR 314.161(a)(1))). FDA may not approve an ANDA that does not refer to a listed drug.

On March 19, 1996, Richard Hamer Associates, Inc., submitted a citizen petition (Docket No. 96P–0090/CP1) under 21 CFR 10.25(a), 10.30, and § 314.161(b), requesting that the agency determine whether testosterone propionate 2% ointment was withdrawn from sale for reasons of safety or effectiveness and, if the agency determines that the drug was not withdrawn from sale for reasons of safety or effectiveness, to relist the drug in the Orange Book. Testosterone propionate 2% ointment (Perandren Ointment) was the subject of approved NDA 0–0499 held by Ciba Pharmaceutical Co. In the Federal Register of September 23, 1971 (36 FR

18885), FDA withdrew approval of NDA 0–0499 for Perandren Ointment based on the applicant's failure to submit required annual reports (section 505(e) of the act (21 U.S.C. 355(e)) and 21 CFR 314.80 and 314.81).

FDA has reviewed its records and, under §§ 314.161 and 314.162(c), has determined that testosterone propionate 2% ointment was not withdrawn from sale for reasons of safety or effectiveness and will relist testosterone propionate 2% ointment in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDA's that refer to testosterone propionate 2% ointment may be approved by the agency.

Dated: October 27, 1996.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 96–29766 Filed 11–20–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96M–0482]

Biora US, Inc.; Premarket Approval of EMDOGAIN®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Biora US, Inc., West Chester, OH, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of EMDOGAIN®. After reviewing the recommendation of the Dental Products Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 30, 1996, of the approval of the application.

DATES: Petitions for administrative review by December 23, 1996.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Pamela D. Scott, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8879.

SUPPLEMENTARY INFORMATION: On July 19, 1993, Biora US, Inc., West Chester, OH 45069, submitted to CDRH an application for premarket approval of EMDOGAIN®. The device is a bone filling and augmentation device and is indicated for use as an adjunct to periodontal surgery for topical application onto exposed root surfaces to treat intrabony defects without furcations resulting from loss of tooth support due to moderate or severe periodontitis. EMDOGAIN® is to be used with the supplied vehicle solution of propylene glycol alginate.

On February 27, 1996, the Dental Products Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On September 30, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 23, 1996, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: October 24, 1996.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 96–29765 Filed 11–20–96; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

Notice of Meeting of the Advisory Committee to the Director, NIH

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, December 12, 1996, Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9:00 a.m. to adjournment. The topics proposed for discussion include (1) Clinical Center Update; (2) Report from the Clinical Research Panel; (3) Discussion of Small Business Innovation Research and Small Business Technology Transfer Grants; and (4) Report from the Research Integrity Panel. Attendance by the public will be limited to space available.

Ms. Janice Ramsden, Program Assistant, Office of the Deputy Director, National Institutes of Health, 1 Center Drive MSC 0159, Bethesda, Maryland 20892–0159, telephone (301) 496–0959, fax (301) 496–7451, will furnish the meeting agenda, roster of committee members, and substantive program information upon request. Any individual who requires special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Ramsden no later than December 9, 1996.

Dated: November 18, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29813 Filed 11–20–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Neurobiology and Genetics of Autism RFA.

Date: December 9–11, 1996.

Time:

December 9, 8:00 a.m.–5:00 p.m.
December 10, 8:00 a.m.–5:00 p.m.
December 11, 8:00 a.m.–adjournment.

Place: 6100 Executive Boulevard, 6100 Building, Fifth Floor Conference Room, Rockville, Maryland 20852.

Contact Person: Norman Chang, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, 6100 Building, Room 5E01, Rockville, Maryland 20852, Telephone: 301–496–1485.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.864, Population Research and 93.865, Research for Mothers and Children, National Institutes of Health)

Dated: November 15, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29810 Filed 11–20–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: December 12, 1996.

Time: 1–3 p.m.

Place: 6120 Executive Blvd., Rockville MD 20892 (telephone conference call).

Contact Person: Richard S. Fisher, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, MSC 7180, Bethesda MD 20892–7180, 301–496–8693.

Purpose/Agenda: To review and evaluate grant applications. The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: November 15, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29811 Filed 11–20–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Notice of Meeting of the Board of Scientific Counselors, NICHD

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, December 6, 1996, in Building 31, Room 2A52, 9000 Rockville Pike, Bethesda, Maryland, 20892–2425.

This meeting will be open to the public from 8:00 a.m. to 12 noon on December 6 for the review of the Intramural Research Program and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6), Title 5 U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on December 6 from 1:00 p.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Catherine O'Connor, Senior Biomedical Research Program Assistant, NICHD, Building 31, Room 2A50, National Institutes of Health, Bethesda, Maryland, 20892–2425, Area Code 301, 496–2133, will provide a summary of the meeting and a roster of Board members and substantive program information upon request. Individuals who plan to attend the open session and need special assistance, such as sign language interpretation or other reasonable accommodation, should contact Ms. O'Connor in advance of the meeting.

Dated: November 15, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29812 Filed 11–20–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: November 25, 1996.

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 4192, Telephone Conference.

Contact Person: Dr. Lynwood Jones, Scientific Review Administrator, 6701 Rockledge Drive, Room 4192, Bethesda, Maryland 20892, (301) 435–1153.

Name of SEP: Clinical Sciences.

Date: November 25, 1996.

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 4128, Telephone Conference.

Contact Person: Dr. Anshumali Chaudhari, Scientific Review Administrator, 6701 Rockledge Drive, Room 4128, Bethesda, Maryland 20892, (301) 435–1210.

Name of SEP: Behavioral and Neurosciences.

Date: November 25, 1996.

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 5186, Telephone Conference.

Contact Person: Dr. Kenneth Newrock, Scientific Review Administrator, 6701 Rockledge Drive, Room 5186, Bethesda, Maryland 20892, (301) 435–1252.

Name of SEP: Biological and Physiological Sciences.

Date: November 26, 1996.

Time: 1:30 p.m.

Place: NIH, Rockledge 2, Room 4192, Telephone Conference.

Contact Person: Dr. Lynwood Jones, Scientific Review Administrator, 6701 Rockledge Drive, Room 4192, Bethesda, Maryland 20892, (301) 435–1153.

Name of SEP: Clinical Sciences.

Date: November 26, 1996.

Time: 4:00 p.m.

Place: NIH, Rockledge 2, Room 4218, Telephone Conference.

Contact Person: Dr. Shirley Hilden, Scientific Review Administrator, 6701 Rockledge Drive, Room 4218, Bethesda, Maryland 20892, (301) 435–1198.

Name of SEP: Biological and Physiological Sciences.

Date: December 5, 1996.

Time: 12:00 p.m.

Place: NIH, Rockledge 2, Room 5128, Telephone Conference.

Contact Person: Dr. Michael Lang, Scientific Review Administrator, 6701 Rockledge Drive, Room 5128, Bethesda, Maryland 20892, (301) 435–1265.

Name of SEP: Microbiological and Immunological Sciences.

Date: December 6, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4186, Telephone Conference.

Contact Person: Dr. Gerald Liddel, Scientific Review Administrator, 6701 Rockledge Drive, Room 4186, Bethesda, Maryland 20892, (301) 435–1150.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c) (4) and 552b(c) (6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 15, 1996.

Paula N. Hayes,

Acting Committee Management Officer, NIH.

[FR Doc. 96–29809 Filed 11–20–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4176–D–01]

Redelegation of Authority; Waiver of Directives

AGENCY: Office of the Secretary's Representative for the Southeast/Caribbean, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the Secretary's Representative for the Southeast/Caribbean redelegates to the State and Area Coordinators of HUD Field Offices in the Southeast/Caribbean the same waiver authority of directives and handbook provisions pertaining to Public Housing (PH) programs, as provided to the PH Directors in the HUD Field Offices.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Harold E. Saether, Director, Office of Public Housing, Department of Housing and Urban Development, Room 262, Richard B. Russell Federal Building, 75 Spring St., SW, Atlanta, Georgia 30303–3388 (telephone number (404) 331–4766) (TTY number (404) 730–2654). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The purpose of this redelegation is to provide State and Area Coordinators in the Southeast/Caribbean with the same authority to waive directives, including handbook provisions, redelegated to Public Housing Directors in the Field Offices. It is issued in accordance with, and subject to, the Redelegation of Authority issued by the Acting Assistant Secretary for Public and Indian Housing on June 28, 1996 and published at 61 FR 35800 (July 8, 1996). This redelegation does not supersede the Department's Statement of Policy published on April 22, 1991, at 56 FR 16337, entitled ''Waiver of Regulations and Directives Issued by HUD.''

By this Redelegation of Authority, each State and Area Coordinator in the Southeast/Caribbean is redelegated limited authority to issue waivers of Department directives, including handbook provisions, for Public Housing programs within their respective jurisdictions. The State and Area Coordinators are concurrently redelegated the same authority to waive Department directives concerning Public Housing programs as reside with the Public Housing Directors in their respective Field Offices. The PH Director and the State or Area Coordinator must jointly concur in all requests for waivers, whether the request is granted or denied. If the State or Area Coordinator and the PH Director do not agree, the matter will be referred to the Secretary's Representative. If the Secretary's Representative and the Program Director do not agree, the matter will be referred to the Assistant Secretary for Public and Indian Housing for resolution.

Accordingly, the Secretary's Representative for the Southeast/Caribbean redelegates as follows:

Section A. Authority Redelegated

The Secretary's Representative for the Southeast/Caribbean concurrently redelegates to each State and Area Coordinator for the Southeast/Caribbean the following authority to waive Department directives, including handbook provisions, concerning Public Housing programs for the jurisdiction for which each State or Area Coordinator is responsible. This authority includes the same authority to waive Public Housing directives as is redelegated to Public Housing Directors in those respective jurisdictions. The extent of this waiver authority is currently described within the redelegations at 59 FR 51200 (October 7, 1994), 60 FR 50635 (September 29, 1994), and 61 FR 35800 (July 8, 1996). Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for PIH and to the Secretary's Representative for the Southeast/Caribbean. The Assistant Secretary for PIH will publish any changes or amendments to these redelegations.

B. Authority To Further Redelegate

The authority redelegated pursuant to Section A above may not be further redelegated.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C 3535(d)); 61 FR 35800 (July 8, 1996).

Dated: September 23, 1996.

Davey L. Gibson,

Secretary's Representative, Southeast/Caribbean.

[FR Doc. 96–29706 Filed 11–20–96; 8:45 am]

BILLING CODE 4210–01–P

[Docket No. FR–4177–D–01]

Redelegation of Authority; Waiver of Directives

AGENCY: Office of the Secretary's Representative for the Southeast/Caribbean, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the Secretary's Representative for the Southeast/Caribbean redelegates to the State and Area Coordinators of HUD Field Offices in the Southeast/Caribbean the same waiver authority of directives and handbook provisions pertaining to Housing programs, as provided to the Housing Program Directors in the HUD Field Offices.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Charles E. Gardner, Director, Office of Housing, Department of Housing and Urban Development, Room 546, Richard B. Russell Federal Building, 75 Spring St., SW, Atlanta, Georgia 30303–3388 (Telephone number (404) 331–4127), (TTY number (404) 730–2654). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The purpose of this redelegation is to provide State and Area Coordinators in the Southeast/Caribbean with the same authority to waive directives, including handbook provisions, redelegated to

Housing Program Directors in the Field Offices. It is issued in accordance with, and subject to, the Redelegation of Authority issued by the Assistant Secretary for Housing on June 28, 1996 and published at 61 FR 35801 (July 8, 1996). This redelegation does not supersede the Department's Statement of Policy published on April 22, 1991, at 56 FR 16337, entitled ''Waiver of Regulations and Directives Issued by HUD.''

By this Redelegation of Authority, each State and Area Coordinator in the Southeast/Caribbean is redelegated limited authority to issue waivers of Department directives, including handbook provisions, for Housing programs within their respective jurisdictions. The State and Area Coordinators are concurrently redelegated the same authority to waive Department directives concerning Housing programs as reside with the Housing Program Directors in their respective Field Offices. The Housing Program Director and the State or Area Coordinator must jointly concur in all requests for waivers, whether the request is granted or denied. If the State or Area Coordinator and the Housing Program Director do not agree, the matter will be referred to the Secretary's Representative. If the Secretary's Representative and the Program Director do not agree, the matter will be referred to the Assistant Secretary for Housing for resolution.

Accordingly, the Secretary's Representative for the Southeast/Caribbean redelegates as follows:

Section A. Authority Redelegated

The Secretary's Representative for the Southeast/Caribbean concurrently redelegates to each State and Area Coordinator for the Southeast/Caribbean the following authority to waive Department directives, including handbook provisions, concerning Housing programs for the jurisdiction for which each State or Area Coordinator is responsible. This authority includes the same authority to waive Housing directives as is redelegated to Housing Program Directors in those respective jurisdictions. The extent of this waiver authority is currently described within the redelegations at 59 FR 62739 (December 6, 1994) and 61 FR 35801 (July 8, 1996). Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for Housing and to the Secretary's Representative for the Southeast/Caribbean. The Assistant Secretary for Housing will publish any changes or amendments to these redelegations.

B. Authority To Further Redelegate

The authority redelegated pursuant to Section A above may not be further redelegated.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C 3535(d)); 61 FR 35801 (July 8, 1996).

Dated: September 23, 1996.

Davey L. Gibson,

Secretary's Representative, Southeast/Caribbean.

[FR Doc. 96–29707 Filed 11–20–96; 8:45 am]

BILLING CODE 4210–01–P

[Docket No. FR–4178–D–01]

Redelegation of Authority; Waiver of Directives

AGENCY: Office of the Secretary's Representative for the Southeast/Caribbean, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the Secretary's Representative for the Southeast/Caribbean redelegates to the State and Area Coordinators of HUD Field Offices in the Southeast/Caribbean the same waiver authority of directives and handbook provisions pertaining to Fair Housing and Equal Opportunity (FHEO) programs, as provided to the FHEO Program Directors in the HUD Field Offices.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Fanny Chestnut-Hairston, Program Operations and Compliance Center, FHEO, Department of Housing and Urban Development, Room 230, Richard B. Russell Federal Building, 75 Spring St., SW, Atlanta, Georgia 30303–3388 (Telephone number (404) 331–1798), (TTY number (404) 730–2654). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The purpose of this redelegation is to provide State and Area Coordinators in the Southeast/Caribbean with the same authority to waive directives, including handbook provisions, redelegated to FHEO Program Directors in the Field Offices. It is issued in accordance with, and subject to, the Redelegation of Authority issued by the Assistant Secretary for FHEO on June 28, 1996 and published at 61 FR 35803 (July 8, 1996). This redelegation does not supersede the Department's Statement of Policy published on April 22, 1991 at 56 FR 16337, entitled ''Waiver of Regulations and Directives Issued by HUD.''

By this Redelegation of Authority, each State and Area Coordinator in the Southeast/Caribbean is redelegated limited authority to issue waivers of Department directives, including handbook provisions, for FHEO programs within their respective jurisdictions. The State and Area Coordinators are concurrently redelegated the same authority to waive Department directives concerning FHEO programs as reside with the FHEO Program Directors in their respective Field Offices. The FHEO Program Director and the State or Area Coordinator must jointly concur in all requests for waivers, whether the request is granted or denied. If the State or Area Coordinator and the FHEO Program Director do not agree, the matter will be referred to the Secretary's Representative. If the Secretary's Representative and the Program Director do not agree, the matter will be referred to the Assistant Secretary for FHEO for resolution.

Accordingly, the Secretary's Representative for the Southeast/Caribbean redelegates as follows:

Section A. Authority Redelegated

The Secretary's Representative for the Southeast/Caribbean concurrently redelegates to each State and Area Coordinator for the Southeast/Caribbean the following authority to waive Department directives, including handbook provisions, concerning FHEO programs for the jurisdiction for which each State or Area Coordinator is responsible. This authority includes the same authority to waive FHEO directives as is redelegated to FHEO Program Directors in those respective jurisdictions. Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for FHEO and to the Secretary's Representative for the Southeast/Caribbean. The Assistant Secretary for FHEO will publish any changes or amendments to these redelegations.

B. Authority To Further Redelegate

The authority redelegated pursuant to Section A above may not be further redelegated.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C 3535(d)); 61 FR 35803 (July 8, 1996).

Dated: September 23, 1996.

Davey L. Gibson,

Secretary's Representative, Southeast/Caribbean.

[FR Doc. 96–29708 Filed 11–20–96; 8:45 am]

BILLING CODE 4210–01–P

[Docket No. FR–4179–D–01]

Redelegation of Authority; Waiver of Directives

AGENCY: Office of the Secretary's Representative for the Southeast/Caribbean, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the Secretary's Representative for the Southeast/

Caribbean redelegates to the State and Area Coordinators of HUD Field Offices in the Southeast/Caribbean the same waiver authority of directives and handbook provisions pertaining to Community Planning and Development (CPD) programs, as provided to the CPD Program Directors in the HUD Field Offices.

EFFECTIVE DATE: September 23, 1996.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Director, Office of Community Planning and Development, Department of Housing and Urban Development, Room 270, Richard B. Russell Federal Building, 75 Spring St., SW, Atlanta, Georgia 30303–3388, (Telephone number (404) 331–5139), (TTY number (404) 730–2654). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The purpose of this redelegation is to provide State and Area Coordinators in the Southeast/Caribbean with the same authority to waive directives, including handbook provisions, redelegated to CPD Program Directors in the Field Offices. It is issued in accordance with, and subject to, the Redelegation of Authority issued by the Assistant Secretary for CPD on June 28, 1996 and published at 61 FR 35802 (July 8, 1996). This redelegation does not supersede the Department's Statement of Policy published on April 22, 1991, at 56 FR 16337, entitled ''Waiver of Regulations and Directives Issued by HUD.''

By this Redelegation of Authority, each State and Area Coordinator in the Southeast/Caribbean is redelegated limited authority to issue waivers of Department directives, including handbook provisions, for CPD programs within their respective jurisdictions. The State and Area Coordinators are concurrently redelegated the same authority to waive Department directives concerning CPD programs as reside with the CPD Program Directors in their respective Field Offices. The CPD Program Director and the State or Area Coordinator must jointly concur in all requests for waivers, whether the request is granted or denied. If the State or Area Coordinator and the CPD Program Director do not agree, the matter will be referred to the Secretary's Representative. If the Secretary's Representative and the Program Director do not agree, the matter will be referred to the Assistant Secretary for CPD for resolution.

Accordingly, the Secretary's Representative for the Southeast/Caribbean redelegates as follows:

Section A. Authority Redelegated

The Secretary's Representative for the Southeast/Caribbean concurrently redelegates to each State and Area Coordinator for the Southeast/Caribbean the following authority to waive Department directives, including handbook provisions, concerning CPD programs for the jurisdiction for which each State or Area Coordinator is responsible. This authority includes the same authority to waive CPD directives as is redelegated to CPD Program Directors in those respective jurisdictions. The extent of this waiver authority is currently described within the redelegations at 59 FR 18280 (April 15, 1994) [as amended by the redelegation at 60 FR 30312 (June 8, 1995)], and 61 FR 35802 (July 8, 1996). Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for CPD and to the Secretary's Representative for the Southeast/Caribbean. The Assistant Secretary for CPD will publish any changes or amendments to these redelegations.

B. Authority To Further Redelegate

The authority redelegated pursuant to Section A above may not be further redelegated.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C 3535(d)); 61 FR 35802 (July 8, 1996).

Dated: September 23, 1996.

Davey L. Gibson,

Secretary's Representative, Southeast/Caribbean.

[FR Doc. 96–29709 Filed 11–20–96; 8:45 am]

BILLING CODE 4210–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–00–P; AA–9271]

Notice for Publication; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Calista Corporation for approximately 3.6 acres. The lands involved are in the vicinity of Nunivak Island, Alaska.

Seward Meridian, Alaska

T. 5 S., R. 98 W.,
Sec. 18.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News.* Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until December 23, 1996 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,

Land Law Examiner, ANCSA Team, Branch of 962 Adjudication.

[FR Doc. 96–29758 Filed 11–20–96; 8:45 am]

BILLING CODE 4310–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[UT–050–1020–00]

Notice of Availability of Proposed Plan Amendment and Associated Environmental Assessment/FONSI for the San Rafael Resource Management Plan

SUMMARY: Notice is hereby given that the Proposed Amendment and associated Environmental Assessment/FONSI for the San Rafael Resource Management Plan has been completed and is available for public review. In accordance with 43 CFR 1610.5–2, Protest Procedures, any person who has participated in this planning process and has a interest which is or may be adversely affected by the amendment of this resource management plan may protest this proposed amendment to the Director of the Bureau of Land Management. All protests must contain the following information: (1) the name, mailing address, telephone number and interest of the person filing the protest, (2) a statement of the issue(s) being protested, (3) a statement of the part(s) of the amendment being protested, (4) a copy of all documents addressing the issue(s) that were submitted during the planning process by the protesting party, and (5) a concise statement why the State Director's decision is believed to be wrong.

DATES: The protest period for this proposed amendment commences with the publication of this notice. Protests must be submitted to the Director of the Bureau of Land Management on or before December 23, 1996.

ADDRESSES: Protests to the proposed plan amendment must be sent to the

Director, Bureau of Land Management (480); Resource Planning Team, 1849 C Street, NW, Washington, DC 20240, within 30 days after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Dave Henderson, Area Manager, Henry Mountain Resource Area, 150 East, 900 North, Richfield, Utah at 801–896–8221.

G. William Lamb,

State Director, Utah.

[FR Doc. 96–29705 Filed 11–20–96; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–930–1430–01; CACA 7998]

Public Land Order No. 7223; Partial Revocation of Secretarial Order Dated September 21, 1925; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order insofar as it affects 10,969.97 acres of National Forest System lands withdrawn for Power Site Classification No. 115. The lands are no longer needed for power site purposes. The revocation is needed to permit disposal of the lands through a pending land exchange under the General Exchange Act of 1922 and to process pending applications under the Small Tracts Act. Some of the lands are either located within or adjacent to the Trinity River Wild and Scenic Area and have no waterpower or water storage value with the Wild and Scenic designation along the river. This action will open the lands to surface entry unless closed by overlapping withdrawals or temporary segregations of record. The lands have been and will remain open to mineral leasing and to mining, except for the lands that are closed because they are located within the Trinity River Wild and Scenic River Area. The Federal Energy Regulatory Commission has concurred with this action.

EFFECTIVE DATE: December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office (CA–931.4), 2135 Butano Drive, Sacramento, California 95825, 916–979–2858.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Secretarial Order dated September 21, 1925, which withdrew National Forest System lands for Power Site Classification No. 115, is hereby revoked insofar as it affects the following described lands:

Humboldt Meridian

T. 5 N., R. 5 E.,
Sec. 1, E½NE¼NE¼, NW¼NE¼NE¼, N½NW¼NE¼, S½SW¼NW¼NE¼, W½NE¼SW¼NE¼, N½SW¼SW¼NE¼, SW¼SW¼SW¼NE¼, SE¼NE¼, E½SE¼, E½NW¼SE¼, and S½SW¼NW¼SE¼;
Sec. 12, NE¼NE¼, NE¼SE¼, and SW¼SE¼.

T. 6 N., R. 5 E.,
Sec. 4, lot 9 (originally described as W½W½NW¼NE¼), N½NE¼SW¼NE¼, SE¼NE¼SW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, W½NE¼NE¼SW¼, W½NE¼SW¼, SE¼NE¼SW¼, E½NE¼SE¼, NE¼SE¼SE¼, SW¼SE¼SE¼, and W½SE¼SE¼SE¼;
Sec. 9, W½NE¼NE¼NE¼, NW¼NE¼NE¼, W½W½SW¼NE¼, SE¼SW¼SW¼NE¼, SE¼SW¼SE¼NE¼, and NW¼SE¼;
Sec. 10, E½NW¼NW¼, SW¼SW¼NW¼, W½SW¼NE¼SW¼, N½SE¼NE¼SW¼, NE¼NW¼SW¼, E½NW¼NW¼SW¼, and NE¼NE¼SE¼SW¼;
Sec. 13, NE¼NE¼SW¼, NW¼NW¼SW¼, and S½N½SW¼;
Sec. 14, N½SW¼, NE¼SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, and S½NE¼SE¼;
Sec. 15, E½NE¼NW¼, E½NW¼NE¼NW¼, NE¼SW¼NE¼NW¼, S½SW¼NE¼NW¼, NW¼NW¼NW¼NW¼, S½NW¼NW¼NW¼, SW¼NW¼NW¼, S½SE¼NW¼NW¼, S½NW¼, N½SE¼, N½NW¼SW¼SE¼, and SE¼NW¼SW¼SE¼;
Sec. 21, E½NE¼ and NE¼SE¼;
Sec. 22, E½NE¼NW¼NE¼, E½SW¼NW¼NE¼, SE¼NW¼NE¼, NE¼NW¼SW¼NE¼, S½NW¼SW¼NE¼, S½SW¼NE¼, NW¼NW¼SW¼NW¼, S½NW¼SW¼NW¼, S½SW¼NW¼, N½NE¼NE¼SW¼, W½NE¼SW¼, S½SE¼NE¼SW¼, NW¼SW¼, N½NW¼NW¼SE¼, NE¼SE¼NW¼SE¼, W½W½SW¼SE¼, SE¼SW¼SW¼SE¼, S½SE¼SW¼SE¼, NE¼NW¼SE¼SE¼, and S½SW¼SE¼SE¼;
Sec. 24, E½NE¼;
Sec. 26, W½NE¼, NE¼NW¼, S½SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, NE¼NW¼NE¼SW¼, W½SW¼, W½W½E½SW¼, E½SW¼SE¼SW¼, and SE¼SE¼;
Sec. 27, W½NE¼NE¼, NW¼NE¼, and SE¼NE¼;
Sec. 35, NE¼NE¼, W½NE¼, NW¼SE¼NE¼, NE¼NW¼, and S½SE¼NE¼SE¼.

T. 7 N., R. 5 E.,
Sec. 5, lots 9 to 11, inclusive, and portion of tract 37 (originally described as lots 3 through 6 and Mineral lot number 37);
Lots 8 and 12 (originally described as W½NE¼);
Lot 16 and portion of tract 37 (originally described as NE¼SW¼);
Lots 15 and 17 (originally described as W½SE¼);
Lot 18 (originally described as SE¼SE¼);
Sec. 8, lots 5 and 6 (originally described as S½NE¼);
Lots 7 and 8 (originally described as N½SE¼);
Lot 12 (originally described as SE¼SW¼);
Lot 13 (originally described as NW¼NE¼);
Sec. 9, lot 2 (originally described as NW¼NE¼;
Lot 3 to 6, inclusive (originally described as NW¼;
Lot 12 (originally described as NW¼SW¼;
Lot 13 (originally described as SW¼SW¼SW¼);
Sec. 17, lots 1 and 2, and portion of MS 1322 AM (originally described as SW¼SE¼); E½W½NE¼, W½NE¼NW¼, NW¼NW¼, NW¼SE¼NW¼, and S½SE¼NW¼;
Sec. 20, lots 1 and 2, and portion of MS 1322 AM (originally described as W½NW¼NE¼), NW¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼, SW¼NE¼NW¼SE¼, NW¼NW¼SE¼, and S½SW¼SE¼;
Sec. 27, NW¼SW¼;
Sec. 28, W½SW¼NW¼SW¼, NE¼SE¼, NE¼NW¼SE¼, and S½NW¼SE¼;
Sec. 29, lot 1 (originally described as N½NW¼NE¼ and SE¼NW¼NE¼);
Lot 4 (originally described as SE¼NE¼);
Lots 2 and 3 (originally described as W½NW¼NW¼, W½E½NW¼NW¼, and SW¼NW¼),W½NE¼SE¼ and SE¼NE¼SE¼);
Sec. 30, lot 17 (originally described as S½NW¼SE¼);
Sec. 33, lot 1 (originally described as NE¼SE¼).

T. 5 N., R. 6 E.,
Sec. 2, lots 1 to 4, inclusive, S½NW¼, and SW¼;
Sec. 11, E½W½ and W½SE¼;
Sec. 13, NW¼NW¼, S½NW¼, and SW¼;
Sec. 14, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 24, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼, and SW¼SE¼SE¼;
Sec. 25, NE¼NE¼ and NW¼NW¼NE¼.

T. 6 N., R. 6 E.,
Sec. 18, W½SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, and SW¼SE¼;
Sec. 19, N½NE¼, SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼, and NW¼;
Sec. 20, NE¼NW¼NE¼, N½NW¼NW¼NE¼, N½NE¼NE¼NW¼, NW¼NE¼NW¼, NW¼NW¼, NW¼SW¼NW¼, NE¼SW¼, S½SW¼, N½SW¼SE¼, N½S½SW¼SE¼, and SE¼SE¼;
Sec. 25, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and SE¼;
Sec. 28, N½SE¼NE¼, SW¼SE¼NE¼, N½SE¼SE¼NE¼, NW¼NW¼, E½W½SW¼NW¼, E½SW¼NW¼,

SE¼NW¼, E½SW¼,
W½NW¼NE¼SE¼, SE¼NE¼SE¼,
W½SE¼, and SE¼SE¼;
Sec. 29, NE¼NE¼NE¼, NW¼NW¼NE¼,
S½NW¼NE¼, and S½NE¼;
Sec. 35, SW¼, NE¼SE¼, and S½SE¼;
Sec. 36, E½NE¼NW¼NW¼,
S½SW¼NW¼NW¼, SE¼NW¼NW¼,
SW¼NW¼, and NW¼SW¼.
T. 5 N., R. 7 E.,
Sec. 19, lots 3, 5, and 6, NE¼SW¼,
N½NE¼SW¼SW¼, and
NE¼NW¼SW¼SW¼ (originally
described as N½SW¼,
N½N½SW¼SW¼,
SW¼NW¼SW¼SW¼, and
SW¼SW¼SW¼), S½SE¼SW¼SW¼,
E½SE¼SW¼, N½NW¼SE¼SW¼,
NE¼SW¼SE¼SW¼,
S½SW¼SE¼SW¼, and SE¼;
Sec. 20, NE¼, SE¼NW¼, and S½;
Sec. 21, NE¼, N½NE¼NW¼, W½NW¼,
S½SE¼NW¼, and N½SW¼;
Sec. 22, N½ and N½S½;
Sec. 23, S½N½ and S½;
Sec. 24, S½S½;
Sec. 25, E½E½NE¼, E½W½E½NE¼,
NW¼NW¼NE¼NE¼,
N½NE¼NW¼NE¼,
SW¼NE¼NW¼NE¼,
E½W½NW¼NE¼,
NW¼SE¼NW¼NE¼, S½NE¼NW¼,
N½NE¼NW¼NW¼, W½NW¼NW¼,
S½SE¼NW¼NW¼, SW¼NW¼,
N½SE¼NW¼, SW¼SE¼NW¼,
W½SE¼SE¼NW¼, W½NE¼SW¼,
W½E½NE¼SW¼, E½NE¼SE¼,
E½W½NE¼SE¼, N½SW¼SE¼,
SE¼SW¼SE¼, and SE¼SE¼;
Sec. 26, NE¼, N½NW¼, and SE¼NW¼;
Sec. 29, N½NE¼, SW¼NE¼,
N½NE¼NW¼, SE¼NE¼NW¼, S½
NW¼, and N½SW¼;
Sec. 30, lots 1 and 2, and E½NW¼
(originally described as NW¼),
W½NE¼NE¼, NW¼NE¼, S½NE¼,
and NE¼SE¼.
T. 4 N., R. 8 E.,
Sec. 4, lots 1 to 6, inclusive, and
SE¼NW¼.

The areas described aggregate 10,969.97 acres in Trinity and Humboldt Counties.

2. At 10 a.m. on December 23, 1996, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

3. The lands have been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, 30 U.S.C. 621 (1988) and these provisions are no longer required.

Dated: November 4, 1996.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 96–29782 Filed 11–20–96; 8:45 am]

BILLING CODE 4310–40–P

Bureau of Reclamation

Request for Proposal to Lease Lands Near La Quinta, Riverside County, California to Construct, Manage, Operate and Maintain Recreation Facilities

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of solicitation for proposals from qualified parties to lease, construct, manage, operate and maintain areas for recreational development.

SUMMARY: The Bureau of Reclamation is soliciting proposals from qualified parties to lease approximately 160 acres of land for recreation development.

ADDRESSES: Interested parties should request copies of the Request for Proposal No. RFP2–96 from Ms. Neva Tandy, Natural Resource Specialist, Bureau of Reclamation, Lower Colorado Region, P.O. Box 61470, Boulder City, Nevada 89006–1470, Telephone: (702) 293–8521 or FAX (702) 293–8146.

FOR FURTHER INFORMATION CONTACT: Neva Tandy at (702) 293–8521.

SUPPLEMENTARY INFORMATION: Reclamation's Lower Colorado Regional office is supervised by the Regional Director, Mr. Robert W. Johnson, and encompasses projects administered by the Phoenix, Yuma and Southern California Area Offices. Hoover, Davis and Parker Dams and appurtenant works are administered by the Lower Colorado Dams Facilities Office, located at Hoover Dam.

A Concession Agreement will be negotiated with the concessionaire selected under this RFP. The Regional Director is the authorizing official in this action. Prior to execution of an agreement by the Regional Director, the agreement will be reviewed for legal sufficiency and endorsement, then signed by the prospective new concessionaire.

Dated: November 8, 1996.

Laura Herbranson,

Director, Resource Management and Technical Services.

[FR Doc. 96–29769 Filed 11–20–96; 8:45 am]

BILLING CODE 4310–94–P

Geological Survey

Federal Geographic Data Committee (FGDC); Application Notice Announcing the Opening Date for Transmittal of Applications Under the FGDC National Spatial Data Infrastructure (NSDI) Competitive Cooperative Agreements Program for Fiscal Year (FY) 1997

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice inviting applications for competitive cooperative agreement awards for fiscal year 1997, with performance to begin in September 1997.

SUMMARY: The purpose of the FGDC National Spatial Data Infrastructure (NSDI) Competitive Cooperative Agreements Program is to facilitate and foster partnerships and alliances within and among various public and private entities to assist in building the NSDI. The NSDI consists of policies, standards, agreements, and partnerships among a variety of sectors and disciplines that will promote more cost-effective production, ready availability, and greater use of high quality geospatial data. The NSDI Competitive Cooperative Agreements Program is intended to encourage resource-sharing projects, between and among the public and private sector through the use of technology, networking, and enhanced interagency coordination efforts. Proposals must involve teaming with two or more organizations. Participants are expected to cost share in the project. Activities initiated under this program will promote development and maintenance of and access to data sets that are needed for national, regional, State, and local analyses. Authority for this program is contained in the Organic Act of March 3, 1879, 43 U.S.C. 31 and Executive Order 12906.

Applications may be submitted by State and local government agencies, educational institutions, private firms, private foundations, and Federally acknowledged or state-recognized Native American tribes or groups.

DATES: The program announcement and application forms are expected to be available on or about November 29, 1996. Applications must be received on or before February 29, 1997.

ADDRESSES: Copies of Program Announcement #1434–HQ–97–PA–00022 may be obtained by writing to Ms. Kathleen Craig, U.S. Geological Survey, Office of Procurement and Contracts, Mail Stop 205B, 12201 Sunrise Valley Drive, Reston, Virginia 20192, (703) 648–7357.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Fox, FGDC, U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192; telephone number (703) 648–5514; facsimile (703) 648–5755. Internet ''gdc@usgs.gov''.

SUPPLEMENTARY INFORMATION: Under this FY 1997 program announcement, proposals are to be directed towards four components of the NSDI. The first component deals with creation of a distributed clearinghouse for finding and accessing geospatial data. Efforts considered applicable include the creation (inventory, evaluate, catalog data, and establish Internet access) and management of a node within the National Geospatial Data Clearinghouse that provides users with a means for finding, accessing, and sharing geospatial data.

The second component involves development and promulgation of the use of standards in data collection, documentation, transfer, and search and query. Applicable efforts include stimulating the development of applicable geospatial data standards by: (1) creating new standards or adapting existing standards that fall within the realm of NSDI, and which may or may not be within the scope of current FGDC Subcommittees and Working Groups, or (2) conducting studies to determine what standards are needed to effectively share geospatial data; and, creating new data elements for specific data themes that complement the FGDC Digital Geospatial Metadata content standards by supporting documentation of data sets which are not explicitly geospatial.

The third component focuses on the initial implementation of a geospatial data framework that provides a base on which to collect, register, or integrate information accurately. Applicable efforts include creating and managing a node on the National Geospatial Data Clearinghouse that provides users with a means for finding, accessing, and sharing framework-like data; testing and implementing techniques needed to support framework roles of area integration or data distribution; conducting a feasibility project for implementing technical or institutional aspects of the framework; and, identifying, justifying, and implementing elements of metadata at the ''feature'' level, required to support framework operations.

The fourth component addresses developing and implementing educational outreach programs to increase awareness and understanding of the vision and concepts of the NSDI. Applicable efforts involve developing educational or outreach material or programs that explain the use of geographic information systems technology for community development, the benefits of data sharing, the use of networking for data sharing, and the importance of data documentation to targeted audiences within the community; conducting programs to increase user comprehension and adoption of the FGDC Content Standards for Digital Geospatial Metadata and the Spatial Data Transfer Standard; establishing, developing, or expanding programs or projects, through development of training programs, information guides and other explanatory materials, that increase the contributions of local, regional, or national data sets to the National Geospatial Data Clearinghouse; developing programs to integrate the vision and concepts of the NSDI into formal and informal education at all levels, K through 16; and, activities to strengthen or to help form statewide or regional geographic information coordination mechanisms.

Dated: November 12, 1996.

Wendy Budd,

Associate Chief, Programs and Finances.

[FR Doc. 96–29779 Filed 11–20–96; 8:45 am]

BILLING CODE 4310–31–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearing of the Judicial Conference Advisory Committee on Rules of Criminal Procedure

AGENCY: Judicial Conference of the United States Advisory Committee on Rules of Criminal Procedure.

ACTION: Notice of Cancellation of Open Hearing.

SUMMARY: The Criminal Rules public hearing scheduled to be held in Oakland, California, on December 13, 1996, has been canceled. (Original notice of hearing appeared in the Federal Register of August 28, 1996 (61 FR 44345).)

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, D.C. 20544, telephone (202) 273–1820.

Dated: November 14, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96–29767 Filed 11–20–96; 8:45 am]

BILLING CODE 2210–01–M

Meeting of the Judicial Conference Committee on Rules of Practice and Procedure

AGENCY: Judicial Conference of the United States Committee on Rules of Practice and Procedure.

ACTION: Notice of Alteration of Dates of Open Meeting.

SUMMARY: The dates of the public meeting of the Committee on Rules of Practice and Procedure, scheduled to be held in Tucson, Arizona, on January 8–10, 1997, have been altered to January 9–10, 1997. (Original notice of meeting appeared in the Federal Register of August 28, 1996 (61 FR 44345).

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, D.C. 20544, telephone (202) 273–1820.

Dated: November 14, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96–29762 Filed 11–20–96; 8:45 am]

BILLING CODE 2210–01–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; FY 1996 Community Policing Discretionary Grants

AGENCY: Office of Community Oriented Policing Services, Department of Justice.

ACTION: Notice of availability.

SUMMARY: The Department of Justice, Office of Community Oriented Policing Services (''COPS'') announces the availability of funding to provide comprehensive and innovative education, training, and technical assistance to COPS grantees and other departments through Regional Community Policing Institutes. Eligible applicants are state, local and Indian tribal law enforcement agencies, state or regional training providers, local or county agency training academies, POST commissions, and universities/colleges. However, this initiative is specifically directed at applicants that already have a solid background in community policing training as well as a basic structure, such as an existing police academy, that can support the development of an Institute.

Partnerships are required for Community Policing Institutes and applicants are encouraged to engage more than one partner. For example, if the applicant is a university, POST Commission, or an academy, it must partner with local law enforcement agencies and a non-profit organization.

If the applicant is a law enforcement agency, it must partner with a university or academy or a POST Commission, and a non-profit community organization. Partnering with other departments is encouraged.

DATES: Regional Community Policing Institute Application Kits will be available after November 19, 1996. The COPS Office will accept completed Application Kits for Regional Community Policing Institutes on or before January 31, 1997.

ADDRESSES: Regional Community Policing Institute Application Kits may be obtained by writing to Regional Community Policing Institutes, 1100 Vermont Avenue, NW, Washington, DC, 20530, or by calling the Department of Justice Response Center, (202) 307–1480 or 1–800–421–6770. Completed Application Kits should be sent to Regional Community Policing Institute Applications, COPS Office, Eleventh Floor, 1100 Vermont Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: The Department of Justice Crime Bill Response Center, (202) 307–1480 or 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Overview

The Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. 103–322) authorizes the Department of Justice to provide technical assistance, including the establishment and operation of training centers and facilities, in the implementation of community policing.

Community policing requires a substantial investment in training. Regional Community Policing Institutes can facilitate an infusion of community policing principles into all forms of police training. Regional Community Policing Institutes will be expected to apply the principles of adult learning to all training and professional development activities. Institutes will need to demonstrate how they will differ from traditional training academies, how they will apply critical thinking to complex enforcement, community and organizational problems, and how they will integrate capacity development into the scope of their activities. This initiative will permit organizations to develop a training infrastructure that will help institutionalize and sustain community policing after federal funding has ended.

The COPS Office will fund the expansion of current ongoing community policing training efforts and establish a network of Community Policing Institutes across the United States. The work of a Regional Community Policing Institute can be performed within an agency's training academy, a state training academy, POST Commission, community college or university.

Partnerships are required for Community Policing Institutes and applicants are encouraged to engage more than one partner. The partnership consists of one or more police departments, an academic institution, and a recognized community or non-profit organization. At least one of the partners will have been engaged in comprehensive community policing training for at least two years.

An Institute is a partnership created to provide comprehensive and innovative education, training, and technical assistance to COPS grantees and other departments throughout a designated region. Generally a region is considered to be state-wide. However, other intra- and inter-state configurations also will be considered. An Institute provides basic community policing training as well as training in a community policing speciality. Speciality training could include executive or management development, ethics training, problem solving, technology-based training, building partnerships, organizational transformation, organizational/community assessment, or implementing community policing. Although an Institute differs from a traditional police academy, it may co-exist with a department's training academy.

An Institute partnership will have one primary grantee and signed collaboration agreements with all partners. The agreements will clarify roles and responsibilities of partners. The primary grantee will be responsible for the financial management of the grant. An Institute will ensure that training reaches as many grantees as possible by including a train-the-trainer component for developing community policing trainers who will be available throughout the region.

An Institute will have a program director and a core staff. It is expected that current training staff will participate in the training. Institute core staff will be housed by one of the partners but the training can occur in different facilities provided either by the partners or hosted by local departments throughout the region.

All awards made under Regional Community Policing Institutes will be cooperative agreements, instead of grants. Cooperative agreements are entered into when the Federal government plans to have substantial program oversight of the funded agency during the performance of the proposed activity. Funding will be for one year and each award will range up to $1 million total. The amount of funding is dependent upon jurisdiction/agency size and the nature of the proposed training efforts. Although a local match is not required for this program, applicants are encouraged to contribute cash or in-kind resources to their proposed projects.

Regional Community Policing Institutes have special requirements on funding allocation. Applicants are required to allocate at least 5 percent of the total award budget for research or evaluation efforts. Additionally, applicants are required to allocate at least 5 percent of the total award budget for hosting conferences, and up to 10 percent for travel stipends that will ensure access to training.

Application Kits will be available after November 19, 1996. Completed Application Kits must be received by the COPS Office on or before January 31, 1997.

An award under the Regional Community Policing Institutes will not affect the eligibility of an agency's application for a grant under any other COPS program.

The Catalog of Federal Domestic Assistance (CFDA) reference for this program is 16.710.

Dated: November 14, 1996.

Joseph E. Brann,

Director.

[FR Doc. 96–29740 Filed 11–20–96; 8:45 am]

BILLING CODE 4410–AT–M

Notice of Lodging of Consent Decrees Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that two proposed consent decrees in *United States* v. *Farmer Oil, et al.*, Civil Action No. 95–CV–3231, were lodged on November 1, 1996, with the United States District Court for the Northern District of Georgia. The consent decrees settle claims against separate defendants brought under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. § 9607(a), for response costs incurred by the United States at the Daytona Antifreeze site (the ''Daytona site'') in Marietta, Georgia. Under the proposed consent decrees, defendants Watkins Omega, Inc. (''Watkins'') and Enterprise Waste Oil, Inc. (''Enterprise'') will pay $25,000 and $20,000, respectively, to the United States in reimbursement of response

costs incurred by the Environmental Protection Agency (''EPA'') in connection with the Daytona site. EPA has incurred costs in excess of $357,000 in connection with the Daytona site. Efforts to secure additional reimbursement continue against several other defendants named in the lawsuit.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Farmer Oil, et al.*, DOJ Ref. #90–11–2–1145A.

The proposed consent decrees may be examined at the office of the United States Attorney, Richard Russell Federal Building, Suite 1800, 75 Spring Street, S.W., Atlanta, Georgia 30335; the Region 4 Office of the Environmental Protection Agency, 100 Alabama St., S.W., Atlanta, Georgia 30303; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of either proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy of either decree please refer to the referenced case and enclose a check in the amount of $4.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–29741 Filed 11–20–96; 8:45 am]

BILLING CODE 4410–15–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a consent decree with thirteen settling defendants in *United States* versus *Stephen D. Heleva, et al.*, Civ. Act. No. 93–1339 (E.D. Pa.) was lodged on October 28, 1996.

The proposed decree resolves the claims of the United States against thirteen parties under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (''CERCLA''), 42 U.S.C. §§ 9606 and 9607, for past response costs and certain response actions at the Heleva Landfill Superfund Site in North Whitehall Township, Pennsylvania. The thirteen settling defendants are Air Products and Chemicals, Inc.; American Nickeloid Company; the American Telephone & Telegraph Company (''ATT''); General Electric Company; Howmet Cercast (U.S.A.), Inc.; Olin Corporation; Pennsylvania Power & Light Company; Robert J. McAuliffe, Inc. and Robert J. McAuliffe; Gramet Holdings Corp. as successor in interest to Alpo Pet Foods, Inc.; GAF Corporation; Pfizer, Inc.; and Mack Trucks, Inc. The decree obligates the Settling Defendants to reimburse $12,067,696.32 of the United States' past response costs. In exchange, the United States covenants not to sue the Settling Defendants under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, to recover past response costs or to perform prior response actions listed in the decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* versus *Stephen D. Heleva, et al.*, DOJ Ref. # 90–11–2–684.

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed partial consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $10.00 (25 cents per page reproduction costs), payable to the Consent Decree Library. Attachments to the proposed partial consent decree can be obtained for an additional amount.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 96–29742 Filed 11–20–96; 8:45 am]

BILLING CODE 4410–15–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Intelligent Modular Array System

Notice is hereby given that, on October 11, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Sawtek, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of one member to the venture. The notification was filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, The Perkin Elmer Corporation, Wilton, CT, has become a member to the venture.

No other changes have been made in either the membership or planned activity of the venture. Membership in the venture remains open and Sawtek, Inc. intends to file additional written notification disclosing any future changes in membership.

On October 11, 1995, Sawtek, Inc. filed the original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on December 5, 1995 (60 FR 62261).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–29743 Filed 11–20–96; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

November 18, 1996.

The Department of Labor has submitted the Work Opportunity Tax Credit (WOTC) administrative forms and information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by November 21, 1996. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa O'Malley ((202) 219–5096 x. 166).

Comments and questions about the WOTC ICR should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316).

The Office of Management and Budget is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarification of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological, e.g., permitting submissions of responses.

Agency: Employment and Training Administration.

Title: Work Opportunity Tax Credit (WOTC).

OMB Number: 1205–0new.

Agency Number: ETA 9061–9064.

Number of Responses: 7,800.

Estimated Time per Response: 20 minutes.

Total Burden Hours: 2,600.

Affected Public: State, Local or Tribal Government.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Description: The Employment and Training Administration (ETA) has oversight responsibilities for the Work Opportunity Tax Credit (WOTC) under the Small Business Jobs Protection Act of 1996 (Pub. L. 104–188). Data collected on the WOTC will be collected by the State Employment Security Agencies and provided to the U.S. Employment Service, Division of Planning and Operations, Washington, DC, through the appropriate Department of Labor regional office. The data will be used, primarily, to supplement IRS Form 8850, help expedite the processing of, either, employer requests for Certifications generated through IRS Form 8850 or issuance of Conditional Certifications (CCs) and processing of employer requests for Certifications as a result of individuals' bearing SESAs or participating agencies' generated CCs, help streamline SESAs verification mandated activities, aid and expedite the preparation of the quarterly reports, and provide a significant source of information for the Secretary's Annual Report to Congress on the WOTC program. The data recorded through the use of these forms will also help in the preparation of an annul report to the Committee House Ways and Means of the U.S. House of Representatives.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–29866 Filed 11–20–96; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

[Exemption Application No. D–09988]

Proposed Class Exemption for Bank Collective Investment Fund Conversion Transactions

AGENCY: Pension and Welfare Benefits Administration, Department of Labor (the Department).

ACTION: Notice of technical correction.

On November 13, 1996, the Department published in the Federal Register (61 FR 58224) a notice of proposed class exemption (the Notice) which would permit an employee benefit plan (the Client Plan) to purchase shares of a registered investment company (the Fund), the investment adviser for which is a bank (the Bank) that serves as a fiduciary of the Client Plan, in exchange for plan assets transferred in-kind to the Fund from a collective investment fund maintained by the Bank. The Notice was filed on behalf of Federated Investors.

With respect to the information included in the preamble to the Notice, the second column on page 58224 (after the paragraph captioned **SUMMARY** and prior to the paragraph captioned **ADDRESSES**) should be modified to contain the following new paragraph:

''* * * **DATES:** Written comments and requests for a public hearing must be received by the Department on or before January 13, 1997.''

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady or Mr. E. F. Williams, Office of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor, Washington, D.C. at (202) 219–8881 or 219–8194, respectively, or Ms. Susan E. Rees, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C., at (202) 219–4600, ext. 105. (These are not toll-free numbers.)

Signed at Washington, D.C., this 18th day of November, 1996.

Ivan L. Strasfeld,

Director, Office of Exemption Determinations, Pension and Welfare Benefits Administration.

[FR Doc. 96–29778 Filed 11–20–96; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL BANKRUPTCY REVIEW COMMISSION

Meeting

AGENCY: National Bankruptcy Review Commission.

ACTION: Notice of public meeting.

TIME AND DATES: Tuesday, December 17, 1996; 8:45 A.M. to 5:00 P.M. and Wednesday, December 18, 1996; 8:30 A.M. to 2:30 P.M.

PLACE: U.S. House of Representatives Rayburn Office Building, Meeting Room: 2237, Located at the corner of Independence Avenue and South Capitol Street, Washington, D.C.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: During its plenary sessions, the Commission will consider consumer bankruptcy, future claims, Chapter 11, pending matters (including venue proposal and Article I/III issues) and initial proposals as well as general administrative matters; Commission working groups will consider the following substantive matters: small businesses, focusing on single asset real estate cases; consumer bankruptcy, including consumer education; and service and ethics—formulation of material adverse interest standard. An open forum for public participation will be held on Wednesday, December 18, 1996, from 8:30 A.M. to 9:30 A.M.

SUPPLEMENTARY INFORMATION: It is recommended that the public use the South Capitol Street entrance to the meeting site at the U.S. House of Representatives Rayburn Office Building.

Persons who would like to make an oral presentation to the Commission at the open forum may register in advance by calling the National Bankruptcy Review Commission at (202) 273–1813 no later than Monday, December 16, 1996, before 5:00 P.M. EST, by providing name, organization (if applicable), address and phone number, or register in person at the National Bankruptcy Review Commission registration desk at the meeting site. If the volume of requests to speak to the Commission at the open form exceeds the time available to accommodate all such requests, the speakers will be chosen on the basis of order of registration. Oral presentations may be limited to five minutes per speaker.

Persons speaking are requested, but not required, to supply twenty (20) copies of their written statements prior to their presentations to the National Bankruptcy Review Commission,

Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Suite G–350, Washington, DC 20544. Written submissions are not subject to any limitations.

CONTACT PERSONS FOR FURTHER INFORMATION: Contact Susan Jensen-Conklin or Carmelita Pratt at the National Bankruptcy Review Commission, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Suite G–350, Washington, D.C. 20544; Telephone Number: (202) 273–1813.

Susan Jensen-Conklin,

Deputy Counsel.

[FR Doc. 96–29749 Filed 11–20–96; 8:45 am]

BILLING CODE 6820–36–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities, Arts and Artifacts Indemnity Panel Advisory Committee; Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, in Room 730, from 9:00 a.m. to 5:30 p.m., on Friday, November 22, 1996.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after January 1, 1997.

Because the proposed meeting will consider financial and commercial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact the Acting Advisory Committee Management Officer, Michael Shapiro, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, or call 202/606–8322.

Michael Shapiro,

Acting Advisory Committee Management Officer.

[FR Doc. 96–29772 Filed 11–20–96; 8:45 am]

BILLING CODE 7536–01–M

Combined Arts Advisory Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel (Creation & Presentation Section) to the National Council on the Arts will be held on December 9–13, 1996. The meeting will be held from 9:00 a.m. to 7:30 p.m. on December 9 & 10; from 9:00 a.m. to 8:30 p.m. on December 11; from 9:00 a.m. to 7:30 p.m. on December 12; and from 9:00 a.m. to 5:00 p.m. on December 13. This meeting will be held in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C., 20506.

A portion of this meeting, from 2:30 p.m. to 5:00 p.m. on December 13, will be open to the public for a discussion of guidelines and policy related issues. The remaining portions of this meeting, from 9:00 a.m. to 7:30 p.m. on December 9 and 10; from 9:00 a.m. to 8:30 p.m. on December 11; from 9:00 a.m. to 7:30 p.m. on December 12; and from 9:00 a.m. to 2:30 p.m. on December 13 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, D.C., 20506, or call 202/682–5691.

Dated: November 15, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 96–29784 Filed 11–20–96; 8:45 am]

BILLING CODE 7537–01–M

Partnership Advisory Panel Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Partnership Advisory Panel to the National Council on the Arts will be held on December 2–4, 1996. The panel will meet from 9:00 a.m. to 6:00 p.m. on December 2, from 9:00 to 5:00 on December 3, and from 9:00 a.m. to 4:00 p.m. on December 4, 1996 for application review. Guideline and policy discussion will be held from 4:00 p.m. to 5:00 p.m. on December 4. This meeting will be held in Room 714, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C., 20506.

This meeting will be open to the public on a space available basis. If, in the course of discussion, it becomes necessary for the Committee to discuss non-public commercial or financial information of intrinsic value, the Committee will go into closed session pursuant to subsection C(4) of the Government in the Sunshine Act, 5 U.S.C. 552b.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, D.C., 20506, or call 202/682–5691.

Dated: November 15, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 96–29783 Filed 11–20–96; 8:45 am]

BILLING CODE 7537–01–7

NATIONAL SCIENCE FOUNDATION

Notice of Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Application Received Under the Antarctic Conservation Act.

SUMMARY: Notice is hereby given that the National Science Foundation (NSF) has received a waste management permit application for operation of remote field support and emergency provisions for the Expedition Vessel the Kapitan Khlebnikov for the 1996–1997 and four following austral summers. The application is submitted to NSF pursuant to regulations issued under the Antarctic Conservation Act of 1978.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application within 30 days of the publication of this notice. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Robert S. Cunningham or Nadene Kennedy at the above address or (703) 306–1033.

SUPPLEMENTARY INFORMATION: NSF's Antarctic Waste Regulation, 45 CFR Part 671, requires all U.S. citizens and entities to obtain a permit for the use or release of a designated pollutant in Antarctica, and for the release of waste in Antarctica. NSF has received a permit application under this Regulation for the operation of three expeditions per year to Antarctica. During each trip, passengers are taken ashore at selected sites by Zodiac (rubber raft) or helicopter for approximately two to four hours at a time. On each helicopter landing, emergency gear would be taken ashore in case weather deteriorates and passengers are required to camp on shore. Anything taken ashore will be returned to the vessel. All wastes will be removed from Antarctica and disposed of in Ushuaia, Argentina, Port Stanly, Falkland Islands, Lyttleton, New Zealand, Hobart, Tasmania, or a substitute port of disembarkation. No hazardous domestic products or wastes (aerosol cans, paints, solvents, etc.) will be brought ashore. Cooking stoves/fuel will be used only in an emergency where passengers are forced to spend a night on shore.

Application for permit is made by: Mike McDowell, President, Quark Expeditions, 980 Post Road, Darien, CT 06820.

The permittee has volunteered to collect information at each site visited and to make that information available as described in the waste permit application utilizing the forms, Site Visit Report and Environmental Impacts Observed. At the conclusion of the austral summer, the permittee will report specific uses or releases of designated pollutants and releases of wastes in an annual report summarizing each season's activities. The permittee will take necessary provisions to ensure that any spilled fuel or lubricants will be promptly cleaned-up, containerized, and removed from Antarctica. Based upon successful completion of required waste management procedures and annual reporting of results, the permit will continue in effect until December 31, 2000.

Nadene Kennedy,

Permit Office, Office of Polar Programs, National Science Foundation.

[FR Doc. 96–29825 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Notice of Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Application Received Under the Antarctic Conservation Act.

SUMMARY: Notice is hereby given that the National Science (NSF) has received a waste management permit application for operation of a small research camp at Cape Shirreff, Livingston Island, Antarctica by Dr. Rennie S. Holt, a citizen of the United States. The application is submitted to NSF pursuant to regulations issued under the Antarctic Conservation Act of 1978.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application within 30 days of the publication of this notice. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Robert S. Cunningham or Nadene Kennedy at the above address, or (703) 306–1033.

SUPPLEMENTARY INFORMATION: NSF's Antarctic Waste Regulation, 45 CFR Part 671, requires all U.S. citizens and entities to obtain a permit for the use or release of a designated pollutant in Antarctica, and for the release of waste in Antarctica. NSF has received a permit application under this Regulation for the construction of a field camp at Cape Shirreff, Livingston Island, Antarctica (62°28′ S 60°47′W) during the 1996–1997 austral summer. The camp is to be maintained and used each austral summer through 2001. The permit period requested is from January 1, 1997 through April 30, 2001. Cape Shirreff is an ice-free peninsula towards the western end of the north coast of Livingston Island, Antarctica and is designated as a Site of Special Scientific Interest (SSSI No. 32) under the Antarctic Treaty. The camp will consist of four semi-permanent structures totaling 864 square feet of enclosed work and storage space. During the field season from early September through the end of March of each year, four to six scientists will utilize the camp.

The permit applicant is: Dr. Rennie S. Holt, Chief Scientist, U.S. AMLR Program, Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shore Dr., La Jolla, CA 92038.

Based upon research results, the camp may remain in service beyond April 30, 2001. Use of the camp beyond that date would require modification of the waste permit. At the conclusion of operations, all material will be removed from Antarctica. Specifics regarding the camp, an environmental assessment and finding of no significant impact, and a description of planned operating procedures are available at the Office of Polar Programs Permit Office during business hours.

Nadene Kennedy,

Permit Officer, National Science Foundation.

[FR Doc. 96–29826 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Advanced Scientific, Computing; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–

463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Advanced Scientific Computing (#1185).

Date and Time: December 9, 1996, 8:30 am to 5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1150, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. John Van Rosendale, Program Director, New Technologies Program, Suite 1122, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1962.

Purpose of Meeting: To provide recommendations and advice concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CAREERS proposals in the New Technologies Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 15, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29753 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Advanced Scientific Computing; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Advanced Scientific Computing (#1185).

Date and Time: December 13, 1996, 8:30 am to 5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1150. Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. John Van Rosendale, Program Director, New Technologies Program. Suite 1122, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1962.

Purpose of Meeting: To provide recommendations and advice concerning proposals submitted to NSF for financial support.

Agenda: Panel review of CISE Postdoctoral Research Associates in Computational Science and Engineering proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 15, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29755 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Astronomical Sciences (1186); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Astronomical Sciences.

Date and Time: December 10 and 11, 1996, 8:00 am–5:00 pm.

Place: Room 310, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Vernon L. Pankonin, Program Director, Division of Astronomical Sciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: 703/306–1826.

Purpose of Meeting: To provide advice and recommendations on proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate proposals in the Planetary Astronomy Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 15, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29754 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Computer and Computation Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Computer and Computation Research (1192).

Date: December 9, and 13, 1996.

Time: 8:00 a.m.–5:00 p.m.

Place: Rooms 310, 320, 330, 340, 360, 365, 370, 380, and 390, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Bruce Barnes, Deputy Division Director, CCR, Room 1145, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 703/306–1910.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate Faculty Early Career Development (CAREER) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C.552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 15, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29751 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information, Robotics and Intelligent Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Information, Robotics and Intelligent (1200).

Date and Time: December 9, 10, 1996, 8:30 a.m. to 5:00 p.m.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Maria Zemankova, Deputy Division Director, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1929.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Interactive Systems Program proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 15, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29750 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mathematical Sciences (1204).

Date and Time: December 13, 1996, 8:30 am–10:00 pm.

Place: The Berlin Room, The O'Hare Hilton, O'Hare Airport, Chicago, IL 60666.

Type of Meeting: Closed.

Contact Person: Lloyd Douglas, Infrastructure Program, Program Officer, Room 1025 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1874.

Purpose of Meeting: To provide advice and recommendations concerning applications submitted to NSF for financial support.

Agenda: To review and evaluate Mathematical Sciences Postdoctoral Research Fellowship applications as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: November 15, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29752 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Social, Behavioral, and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Social, Behavioral, and Economic Sciences (1766).

Date and Time: December 10, 1996; 9:00 am–5:00 pm.

Place: Room 330, National Science Foundation, 4201 Wilson Blvd., Arlington, Va.

Type of Meeting: Open.

Contact Person: Mary V. Burke, Research and Development Statistics Program, Division of Science Resources Studies, Room 965–33, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1772, ext. 6933.

Purpose of Meeting: To advise on survey preparation, sample design, questions and categories, and response assurance for the upcoming survey of Research and Development Funding and Performance by Nonprofit Institutions.

Agenda: To review and evaluate survey plans and instruments, sample design, and to provide written recommendations on survey methods and procedures.

Dated: November 15, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–29756 Filed 11–20–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–220]

Niagara Mohawk Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 63, issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit No. 1 located in Oswego County, New York.

The proposed amendment would change the Technical Specifications (TSs) to add TS 3/4.7.2, ''Special Test Exception—System Leakage and Hydrostatic Testing.'' The proposed addition would allow the reactor to be considered in cold shutdown (defined as reactor coolant temperatures below 212 °F) when the actual reactor coolant temperature is greater than 212 °F (i.e., hot shutdown) but less than 275 °F while performing reactor vessel system leakage testing, hydrostatic testing, and scram time testing. The change would permit reactor vessel system leakage or hydrostatic testing and scram time testing without primary containment integrity, with two Core Spray subsystems (rather than four) operable, and with other operational flexibility. The change would require that secondary containment (reactor building integrity) be maintained during hot shutdown conditions, or restored within 28 hours (which includes 24 hours to be in cold shutdown). Shutdown margins would not need to be demonstrated when performing a pressure test (but would continue to be demonstrated when performing scram time testing in conjunction with systems leakage or hydrostatic testing).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 23, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be

litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to S. Singh Bajwa: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated September 26, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 15th day of November 1996.

For the Nuclear Regulatory Commission.

S. Singh Bajwa,

Acting Director, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–29787 Filed 11–20–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–70 and DPR–75, issued to Public Service Electric and Gas Company (the licensee), for operation of the Salem Nuclear Generating Station, Units 1 and 2, located in Salem County, New Jersey.

The proposed amendment would revise the response time of item 2.h (Containment Fan Coolers) of Technical Specification Table 3.3–5 from 45.0 seconds to 60.0 seconds. The proposed amendment would also add a new note (7) to Table 3.3–5 to clarify that the containment fan cooler units (CFCUs) response time includes the time to automatically align service water flow to the CFCUs following an accident coincident with a loss of offsite power and that it also includes the time delays associated with isolation of the Turbine Generator Area service water header.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 23, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Salem Free Public Library, 112 West Broadway, Salem, NJ 08079. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for

leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz, Director, Project Directorate I–2: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated October 25, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Salem Free Public Library, 112 West Broadway, Salem, NJ 08079.

Dated at Rockville, Maryland, this 15th day of November 1996.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director. Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–29788 Filed 11–20–96; 8:45 am]

BILLING CODE 7590–01–P

Seeks Qualified Candidates for Advisory Committee on Reactor Safeguards

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Request for résumés.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking qualified candidates to fill prospective vacancies on its Advisory Committee on Reactor Safeguards (ACRS).

ADDRESSES: Submit résumés to: Ms. Jude Himmelberg, Office of Personnel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

FOR APPLICATION MATERIALS, CALL: 1–800–952–9678. Please refer to Announcement Number 97–1001.

SUPPLEMENTARY INFORMATION: Congress established the ACRS to provide the NRC with independent expert advice on matters related to regulatory policy and the safety of existing and proposed nuclear power plants. The Committee work currently emphasizes safety issues associated with the operation of 110 commercial nuclear power plants in the United States; the pursuit of a risk-informed, performance-based regulatory approach; digital instrumentation and control systems; and technical and policy issues related to standard plant designs.

The ACRS membership includes individuals from national laboratories, academia and industry who possess specific technical expertise along with a broad perspective in addressing safety concerns.

Committee members are selected from a variety of engineering and scientific disciplines, such as nuclear power plant operations, nuclear engineering, mechanical engineering, electrical engineering, chemical engineering, metallurgical engineering, structural engineering, materials science, and instrumentation and process control systems. At this time, candidates are being sought with 15–20 years of specific experience, including graduate level education, in the areas of computational fluid dynamics, thermal hydraulics, and risk assessment as related to plant operations.

Criteria used to evaluate candidates include education and experience, demonstrated skills in nuclear safety matters, and the ability to solve problems. Additionally, the Commission considers the need for specific expertise in relationship to current and future tasks, availability of candidates to serve, and possible conflicts of interest. Consistent with the requirements of the Federal Advisory Committee Act, the Commission seeks candidates with varying views so that the membership on the Committee will be fairly balanced in terms of the point of views represented and functions to be performed by the Committee.

Because conflict-of-interest regulations restrict the participation of members actively involved in the regulated aspects of the nuclear industry, the degree and nature of any such involvement will be weighed. Each qualified candidate's financial interests

must be reconciled with applicable Federal and NRC rules and regulations prior to final appointment. This might require divestiture of securities issued by nuclear industry entities, or discontinuance of industry-funded research contracts or grants.

Copies of a résumé describing the educational and professional background of the candidate, including any special accomplishments, professional references, current address and telephone number should be provided. All qualified candidates will receive careful consideration. Appointment will be made without regard to such factors as race, color, religion, national origin, sex, age, or disabilities. Candidates must be citizens of the United States and be able to devote approximately 50–100 days per year to Committee business. Applications will be accepted until December 31, 1996.

Date: November 15, 1996.

Andrew L. Bates

Advisory Committee Management Officer.

[FR Doc. 96–29785 Filed 11–20–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 40–7102]

Receipt of Petition for Director's Decision Under 10 CFR § 2.206

Notice is hereby given that by an undated letter received by the U.S. Nuclear Regulatory Commission (NRC or Commission) on October 11, 1996, Mr. Sherwood Bauman requested the NRC to take action with regard to NRC licensee Shieldalloy.

The Petition requests that Shieldalloy's license for its Newfield, New Jersey site be revoked and ''downgraded'' to a license permitting possession of low-level radioactive waste for the purpose of decommissioning only. As a basis for this request, the Petitioner asserts that Shieldalloy cannot meet NRC financial assurance requirements.

The Petition is being treated pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. The Petition has been referred to the Director of Nuclear Material Safety and Safeguards (NMSS). As provided by Section 2.206, action will be taken on this Petition within a reasonable time. A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW, Washington, DC 20555.

Dated at Rockville, Maryland this 14th day of 1996.

For The Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–29786 Filed 11–20–96; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Requests Under OMB Review

AGENCY: Peace Corps.

ACTION: Notice of public use form review request to the Office of Management and Budget.

SUMMARY: The Associate Director for Management invites comments on information collection requests as required pursuant to the Paperwork Reduction Act (44 U.S.C. chapter 35). This notice announces that the Peace Corps has submitted to the Office of Management and Budget a request to approve the continued use of the Peace Corps Request for Information Card. A copy of the information collection may be obtained from Stephen R. Abbott, Office of Communications, Marketing Department, United States PEACE CORPS, 1990 K Street, NW, Washington, DC 20526. Mr. Abbott may be contacted by telephone at (202) 606–3780. Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Comments on these forms should be addressed to Victoria Becker Wassmer, Desk Officer, Office of Management and Budget, NEOB, Washington, DC 20503.

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Information Collection Abstract

Title: Peace Corps Request for Information Card.

Need for and Use of this Information: Peace Corps needs this information in order to identify prospective applicants for Volunteer service. The information is used to determine what program specific information to send to interested individuals.

Respondents: Invididuals interested in learning more about Peace Corps service.

Respondents Obligation to Reply: Voluntary.

Burden on the Public:

a. Annual reporting burden: 1,021 hrs.

b. Annual record keeping burden: 0 hrs.

c. Estimated average burden per response: 1.75 min.

d. Frequency of response: one time.

e. Estimated number of likely respondents: 35,000.

f. Estimated cost to respondents: $0.35.

This notice is issued in Washington, DC on November 15, 1996.

Stanley D. Suyat,

Associate Director for Management.

[FR Doc. 96–29701 Filed 11–20–96; 8:45 am]

BILLING CODE 6051–01–M

Information Collection Requests Under OMB Review

ACTION: Notice of public use form review request to the Office of Management and Budget.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), Peace Corps of the United States has submitted to the Office of Management and Budget a request for emergency clearance and normal clearance to approve the collection of names of groups and/or individuals which make use of the Peace Corps name or logo by Peace Corps Office of General Counsel. A copy of the information collection may be obtained from Robert L. Martin, Peace Corps Office of General Counsel, 1990 K Street, NW, Washington, DC 20526. Mr. Martin may be contacted at (202) 606–3114. Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Comments on this form should be addressed to Victoria Becker Wassmer, Desk Officer, Office of Management and Budget, NEOB, Washington, DC 20503.

Information Collection Abstract

Title: Authority to Use Peace Corps Name and Logo.

Need for and use of the Information: The information will be provided by organizations who intend to use the Peace Corps name. These organizations will normally be charitable or non-profit. The information requested from the respondents is necessary for determining whether these organizations are eligible to use the name and logo of the Peace Corps in their activities and are formed for the purposes of carrying out one or more of the goals of the Peace Corps Act. This information will be kept on file for reference purposes by the Office of General Counsel.

Respondents: Returned Peace Corps Volunteer organizations, other entities using or intending to use the Peace Corps name.

Respondents obligation to reply: Mandatory.

Burden on the Public:

a. Annual reporting burden: 12.5 hrs.

b. Annual recordkeeping burden: 0 hrs.

c. Estimated average burden per response: 5 min.

d. Frequency of response: one time.

e. Estimated number of likely respondents: 150.

f. Estimated cost to respondents: $1.01.

This notice is issued in Washington, DC on November 15, 1996.

Stanley D. Suyat,

Associate Director for Management.

[FR Doc. 96–29770 Filed 11–20–96; 8:45 am]

BILLING CODE 6051–01–M

PENSION BENEFIT GUARANTY CORPORATION

Request for a Collection of Information Under the Paperwork Reduction Act; Locating and Paying Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Submission for OMB emergency review; comment request.

SUMMARY: The Pension Benefit Guaranty Corporation has requested that the Office of Management and Budget approve a collection of information under the Paperwork Reduction Act. The information collection is needed to locate and pay participants and beneficiaries who are entitled to pension benefits under terminated defined benefit pension plans.

DATES: The PBGC has requested that OMB approve this request by November 29, 1996.

ADDRESSES: All written comments should be addressed to: Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 725 17th Street, NW., Room 10235, Washington, DC 20503. The request for approval will be available for public inspection at the PBGC Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) establishes policies and procedures for controlling the paperwork burdens imposed by Federal agencies on the public. The Act vests the OMB with regulatory responsibility over these burdens, and OMB has promulgated rules on the clearance of collections of information by Federal agencies.

The PBGC is requesting OMB approval of a collection of information needed to locate and pay participants and beneficiaries who may be entitled to pension benefits under a defined benefit plan that has terminated. The information consists of identifying information that the individual would provide as part of an initial contact with the PBGC and additional information he or she would provide in connection with any application for benefits.

The PBGC estimates that up to 8,000 individuals will provide the PBGC with identifying information as part of an initial contact and that the associated burden is 2,000 hours (15 minutes per individual). The PBGC further estimates that it will request that up to 1,600 of these individuals submit applications for benefits and that the associated burden is 950 hours (approximately 36 minutes per individual). Thus, the total estimated burden associated with this collection of information is 2,950 hours.

The PBGC solicits comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The PBGC has requested that OMB approve this collection on an emergency basis by November 29, 1996, so that it can promptly initiate a search effort, with a view toward locating individuals entitled to benefits as soon as possible.

Issued at Washington, D.C., this 19th day of November, 1996.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 96–29881 Filed 11–20–96; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. 22336; 812–10182]

American AAdvantage Funds, et al.; Notice of Application

November 15, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (''Act'').

APPLICANTS: American AAdvantage Funds (the ''AAdvantage Trust''), American AAdvantage Mileage Funds (the ''Mileage Trust''), AMR Investment Services Trust (The ''AMR Trust,'' collectively with the AAdvantage Trust and the Mileage Trust, the ''Trusts''), AMR Investments Strategic Cash Business Trust (the ''Strategic Cash Trust''), AMR Investments Enhanced Yield Business Trust (the ''Enhanced Yield Trust,'' collectively with the Strategic Cash Trust, the ''Investment Funds''), and AMR Investment Services, Inc. (''Adviser''), on behalf of themselves and all future investment companies that are advised by the Adviser or any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Adviser.

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) of the Act from section 12(d)(1), under sections 6(c) and 17(b) of the Act from section 17(a), and under section 17(d) of the Act

and rule 17d–1 thereunder for an exemption from section 17(d) and rule 17d–1.

SUMMARY OF APPLICATION: Applicants seek an order that would permit the Trusts to invest cash collateral received from the borrowers of their portfolio securities in shares of the Investment Funds, private investment companies that are affiliated persons of the Trusts.

FILING DATES: The application was filed on June 3, 1996, and amended on November 12, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 10, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 4333 Amon Carter Boulevard, MD 5645, Fort Worth, Texas 76155.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 942–0583, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The AAdvantage Trust, which currently has eight series funds (the ''AAdvantage Funds''), and the Mileage Trust, which currently has seven series funds (the ''Mileage Funds,'' collectively with the AAdvantage Funds, the ''Funds''), are Massachusetts business trusts registered under the Act as open-end management investment companies. Each Fund is a separate investment series of the AAdvantage Trust or the Mileage Trust and has distinct investment objectives and policies.

2. The Funds implemented a ''master-feeder'' structure on November 1, 1995. Under this structure, each Fund (other than the American AAdvantage Short-Term Income Fund, which invests directly in investment securities) invests all of its investable assets in a corresponding series fund (''Portfolio'') of the AMR Trust, a New York common law trust that is registered under the Act as an open-end management investment company.[1] Each of the seven Portfolios has investment objectives identical to those of the corresponding investing Funds. As a result of this arrangement, all investment management for the Funds takes place at the Portfolio level, rather than at the Fund level.

3. The Adviser, a wholly-owned subsidiary of AMR Corporation, the parent corporation of American Airlines, Inc., is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser provides the AMR Trust with administrative and asset management services, and provides administrative services to the Funds.

4. The Strategic Cash Trust, a newly formed Massachusetts business trust of which the Adviser is the sole trustee, invests exclusively in high-quality, U.S. dollar-denominated obligations eligible for purchase pursuant to rule 2a–7 under the Act. The Strategic Cash Trust will seek to achieve a stable $1.00 net asset value per share. Shares of the Strategic cash Trust, together with any other outstanding securities (other than short-term paper) will not be beneficially owned by more than 100 persons. The Strategic Cash Trust is not making and presently does not propose to make a public offering of its shares or other securities.[2] The Enhanced Yield Trust, a Massachusetts business trust formed in 1994 of which the Adviser is the sole trustee, seeks to achieve higher current income and total returns than bank short-term investments and money market instruments while providing relative principal stability and liquidity. Shares of the Enhanced Yield Trust, together with any other outstanding securities (other than short-term paper) will not be beneficially owned by more than 100 persons. The Enhanced Yield Trust is not making and presently does not propose to make a public offering of its shares or other securities. Both the Strategic Cash Trust and the Enhanced Yield Trust offer daily redemption of their shares.

5. Each Investment Fund has entered into an advisory contract with the Adviser, under which the Adviser makes investment decisions with respect to the Investment Fund's assets and administers each Investment Fund in accordance with the declaration of trust and the policies of each Investment Fund. The Adviser will receive an annualized fee from each Investment Fund equal to .10% of the average daily net assets of each Investment Fund, accrued daily and paid monthly.

6. Each Fund, through its corresponding Portfolio, has the ability to increase its income by lending portfolio securities to registered broker-dealers or other institutional investors deemed by the Adviser to be of good standing (''Borrowers''). These loans may not exceed one third of a Portfolio's total assets taken at market value. The AMR Trust, the Adviser, and NationsBank of Texas, N.A. (''Agent'') have entered into a securities lending agreement (''Agreement'') to permit each Portfolio to participate in the securities lending program (''Program'') administered by the Agent. The Agent is the custodian for each Portfolio, and also acts as lending agent for each Portfolio. The Program has been approved by the independent trustees of each Trust, who will monitor the Program on an ongoing basis.

7. Under the Program, the Agent enters into agreements with Borrowers to lend them the Portfolios' securities (''Loan Agreements''). Pursuant to the Loan Agreements, the Agent delivers the Portfolios' securities to Borrowers, who agree to return such securities on demand. the Agent may enter into Loan Agreements only with Borrowers from a list approved by the Portfolios' Board of Trustees (''Board'').

8. Borrowers are required to post collateral having a market value at least equal to 100% of the market value of loaned securities plus accrued interest. The Agent may accept as collateral only cash, securities issued or backed by the U.S. Government or its agencies or instrumentalities, or letters of credit from certain banks. Cash collateral may be invested in shares of registered or unregistered investment companies, including the Investment Funds, acceptable to the Adviser that are consistent with the investment restrictions and guidelines of the participating Portfolios without limitation (except as investment in any such company or companies may be limited by section 12(d)(1) of the Act). Because one or more of the Funds and Portfolios participating in the Program

[1] Interests in the AMR Trust are offered to the AAdvantage Trust and the Mileage Trust pursuant to an exemption from registration under the private offering exemption contained in section 4(2) of the Securities Act of 1933 (the ''Securities Act'').

[2] Shares in the Investment Funds will be offered to institutional investors in reliance on the private offering exemption contained in section 4(2) of the Securities Act.

are money market funds that comply with rule 2a–7, cash collateral from transactions in which such Funds or Portfolios participate will be used only to acquire shares of the Strategic Cash Trust. In all cases, the investment of cash collateral will comply with all present and future applicable SEC staff positions regarding securities lending arrangements. Cash collateral, however, will be excluded from the Portfolio's determination of the maximum and/or minimum percentage of the Portfolio's other assets that will be invested in specific types of securities.[3]

9. The Trusts will submit a supplement to their respective investment advisory agreements with the Adviser to their shareholders and the Board of each Trust. If the supplement is approved by a majority of the outstanding voting securities and the Board of each Trust, the Adviser will provide certain services to the Portfolios that participate in the Program, including ensuring compliance with all applicable regulatory and investment guidelines, determining which securities are available for loan, and having the discretion and power to prevent any loan from being made or to terminate any loan. The Adviser also will monitor the Agent to ensure that the securities loans are effected in accordance with its instructions and the procedures adopted by the Board of the AMR Trust, and will prepare periodic reports for, and seek approval from, the Board of the AMR Trust.

10. Under each Loan Agreement, the Borrower receives a specified cash collateral fee, computed daily based on the amount of cash held as collateral at such rates as the Borrower and Agent may agree. The cash collateral fee is not based on the investment return of the cash collateral. Net annual interest income earned by a Portfolio from participation in the Program will be divided between the Portfolio, the Agent, and, if the proposed supplement is approved as described above, the Adviser.[4]

Applicants' Legal Analysis

1. Applicants seek an order to permit the Portfolios to purchase shares of the Investment Funds (''Shares'') with the cash collateral received from Borrowers. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company representing more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or, together with the securities of other investment companies, more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Applicants believe that the Investment Funds will be excluded from the definition of an investment company under section 3(c)(1) of the Act because they will issue only non-voting securities.[5] Applicants request relief from section 12(d)(1), however, because they are concerned that the Investment Funds' non-voting securities could be deemed to be ''voting securities'' for purposes of section 3(c)(1). Applicants believe that if interests in the Investment Funds were deemed to be voting securities, applicants then must rely on the second 10% test of section 3(c)(1) in order to avoid a look through to the shareholders of the Portfolios for purposes of determining the number of persons owning shares of the Investment Funds. Reliance on the second 10% test would cause the Investment Funds to be deemed investment companies for purposes of section 12(d)(1) of the Act pursuant to the last sentence of section 3(c)(1)(A).

3. Section 12(d)(1) is intended, among other things, to protect an investment company's shareholders against: (a) undue influence over portfolio management through the threat of large-scale redemptions, and the disruption of orderly management of the investment company through the maintenance of large cash balances to meet potential redemptions, and (b) the layering of sales charges, advisory fees, and administrative costs. Applicants state that the Investment Funds will be managed specifically to maintain a highly liquid portfolio. Access to the Investment Funds will enhance each Portfolio's ability to manage and invest cash collateral received from Borrowers. In addition, the Investment Funds will not charge any sales charges, underwriting, or distribution fees. Applicants therefore believe that the proposed transactions create none of the abuses intended to be addressed by section 12(d)(1).

4. Section 6(c) of the Act provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the policies and purposes fairly intended by the policies and provisions of the Act. Applicants believe that the requested relief meets this standard.

5. Sections 17(a)(1) and (2) of the Act make it unlawful for any affiliated person of a registered investment company, or any affiliated person of such affiliated person, acting as principal, to sell or purchase any security to or from such investment company. As the investment adviser of the Funds, the Portfolios, and the Investment Funds, the Adviser is an affiliated person of each of these entities under section 2(a)(3) of the Act. The Funds, the Portfolios, and the Investment Funds therefore may be considered affiliated persons of each other under section 2(a)(3) by virtue of being deemed to be under common control of the Adviser. Accordingly, if the cash collateral posted by the Borrowers is considered the property of the Portfolios, the sale of Shares to the Portfolios, and the redemption of such Shares, would be prohibited under section 17(a).

6. Section 17(b) of the Act authorizes the SEC to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transaction is consistent with the policy of each registered investment company

[3] Applicants acknowledge that they are not seeking relief from the Commission with respect to this issue.

[4] Net annual interest income for this purpose means the gross interest income earned by the investment of cash collateral, less the amount paid to the Borrower and related expenses such as investment management, custody and accounting or audit fees, or other costs typically incurred when investments are made.

[5] Section 3(c)(1) provides, in pertinent part, that the term ''investment company'' shall not include:

Any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For purposes of this paragraph:

(A) Beneficial ownership by a company shall be deemed to be beneficial ownership by one person, except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper) unless, as of the date of the most recent acquisition by such company of securities of that issuer, the value of all securities owned by such company of all issuers which are or would, but for the exception set forth in this subparagraph, be excluded from the definition of investment company solely by this paragraph, does not exceed 10 per centum of the value of the company's total assets. Such issuer nonetheless is deemed to be an investment company for purposes of section 12(d)(1).

concerned, and the proposed transaction is consistent with the general policy of the Act. Section 17(b) could be interpreted to exempt only a single transaction. However, the SEC, under section 6(c), may exempt a series of transactions that otherwise would be prohibited by section 17(a).

7. Applicants believe that the terms of the proposed transactions are reasonable and fair and consistent with the general purposes of the Act as well as with the policy of each Fund and Portfolio as recited in each Fund's and Portfolio's registration statement. The Portfolios will be treated like any other investors in the Investment Funds. The Portfolios will purchase and sell Shares on the same terms and on the same basis as Shares are purchased and sold by all other shareholders of the Investment Funds. Permitting the Portfolios to invest cash collateral in the Investment Funds enables the Portfolios to invest in vehicles that applicants expect will offer the Portfolios a higher return on their investment at a lower cost than the cost typically incurred when investing in a registered investment company. Specifically, applicants anticipate that the investment of cash collateral in Shares will enable the Portfolios to benefit from economies of scale that maximize investment opportunities, minimize investment risk, facilitate the management of liquidity, and minimize administrative costs. Accordingly, applicants believe that the proposed transactions are in the best interests of the Funds, the Portfolios, and their shareholders.

8. Section 17(d) of the Act and rule 17d–1 thereunder prohibit an affiliated person of an investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates. The Portfolios (by purchasing Shares), the Adviser (by managing the portfolio securities of the Portfolios and the Investment Funds at the same time that the Portfolios' cash collateral is invested in Shares), and the Investment Funds (by selling Shares to and redeeming them from the Portfolios) could be deemed to be participants in a joint enterprise or other joint arrangement within the meaning of section 17(d) and rule 17d–1.

9. Rule 17d–1 permits the SEC to exempt by order a joint transaction under section 17(d). In determining whether to approve a transaction, the SEC is to consider whether the proposed transaction is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation of the investment companies is on a basis different from or less advantageous than that of the other participants.

10. Applicants believe that the proposal satisfies these standards. The Portfolios will invest in Shares on the same basis as any other shareholder. All investors in Shares will be subject to the same eligibility requirements imposed by the Investment Funds. In addition, all Shares will be priced in the same manner and will be redeemable under the same terms. Finally, applicants believe that participation in the Program will offer the Portfolios and Funds greater flexibility and higher returns than they could obtain by investing the cash collateral separately while still offering the benefits of investing in a pooled investment vehicle in terms of diversity and lower costs.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Portfolio may participate in the Program, a majority of the Board (including a majority of the independent trustees) will approve the Portfolio's participation in a securities lending program. Such trustees also will evaluate the securities lending arrangement and its results no less frequently than annually and determine that any investment of cash collateral in the Investment Funds is in the best interest of the shareholders of the funds and their corresponding Portfolios.

2. Investment in Shares will be in accordance with each Portfolio's respective investment restrictions regarding the types of securities in which it may invest and will be consistent with its corresponding Fund's policies as recited in such Fund's registration statement.

3. Cash collateral from loans by Portfolios that are money market funds will not be used to acquire Shares of any Investment Fund that does not comply with the requirements of rule 2a–7 under the Act.

4. The Adviser will adopt procedures that are designed, taking into account current market conditions and the Strategic Cash Trust investment objectives, to stabilize the Strategic Cash Trust's net asset value per share, as computed for the purpose of distribution, redemption, and repurchase, at a single value. These procedures will be reviewed annually by the Board of each Portfolio that enters into a securities lending program (''Lending Portfolio'').

5. The Investment Funds will comply with the requirements of sections 17 (a), (d), and (e), and 18 of the Act as if the Investment Funds were registered open-end investment companies. With respect to all redemption requests made by a Lending Portfolio, the Investment Funds will comply with section 22(e) of the Act. The Adviser, as sole trustee of the Investment Funds, will adopt procedures designed to ensure that the Investment Funds comply with sections 17 (a), (d), and (e), 18, and 22(e) of the Act. The Adviser will periodically review and update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii), and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the SEC and its staff.

6. The Strategic Cash Trust will value its shares at the close of business each business day using the ''amortized cost method'' as defined in rule 2a–7 to determine the net asset value per share of the Strategic Cash Trust. In this regard, the Strategic Cash Trust will comply with rule 2a–7(c)(6), except that the Adviser, subject to approval by the sole trustee of the Strategic Cash Trust, shall adopt the procedures described in that provision, and the Adviser shall monitor such procedures and take such other actions as are required to be taken by a board of directors pursuant to that provision.

7. The Shares will not be subject to a sales load, redemption fee, asset-based charge or service fee (as defined in rule 2830(b)(9) of the Rules of Conduct of the National Association of Securities Dealers).

8. Each Lending Portfolio will purchase and redeem Shares as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other shareholders of the Investment Funds. A separate account will be established in the shareholder records of each Investment Fund for the account of each Lending Portfolio.

9. Except as set forth herein, the Program will comply with all present and future applicable SEC staff positions regarding securities lending arrangements, *i.e.*, with respect to the type and amount of collateral, voting of loaned securities, limitations on the percentage of portfolio securities on loan, prospectus disclosure, termination of loans, receipt of dividends or other

distributions, and compliance with fundamental policies.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29714 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Advisers Act Release No. 1597; 803–100]

BlackRock Financial Management, Inc.; Notice of Application

November 15, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Advisers Act of 1940 (the ''Act'').

APPLICANT: BlackRock Financial Management, Inc.

RELEVANT ACT SECTIONS: Order requested under section 206A for an exemption from section 205(a)(1).

SUMMARY OF APPLICATION: Applicant requests an order to permit it to charge a performance fee to BlackRock Assets Investors (the ''Trust''), a closed-end investment company. Applicant requests the order because a limited number of its senior employees or senior employees of a Trust subsidiary who do not meet the minimum financial standards prescribed by rule 205–3(b)(1) under the Act may become shareholders of one of the Trust's feeder funds.

FILING DATES: The application was filed on November 28, 1995, and amended and fully restated applications were filed on April 26 and October 3, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 10, 1996, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reasons for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 345 Park Avenue, New York, N.Y. 10154.

FOR FURTHER INFORMATION CONTACT: H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an investment adviser registered under the Act. The Trust and BlackRock Fund Investors I, II and III (the ''Funds'') are each closed-end, non-diversified management investment companies formed as Delaware business trusts and registered under the Investment Company Act of 1940. The Trust and the Funds are organized in a master-feeder structure. Each Fund invests all of its assets in the Trust, which conducts all investment operations.

2. The Funds have conducted an offering of interests exempt from registration under the Securities Act of 1933 pursuant to the exemption provided by section 4(2) thereof. At the conclusion of this private offering in the spring of 1995, the Funds had obtained capital commitments for approximately $560 million from institutional and higher net worth investors and in turn entered into back-to-back commitments with the Trust.[1] The Funds have drawn approximately $130 million in committed capital and have invested that amount in the Trust.

3. Applicant formed the Trust and the Funds to provide institutional investors with a way to participate in real estate debt markets. The primary investment objective of the Trust is to earn a high total rate of return through investment in a portfolio consisting primarily of subordinate commercial mortgage-backed securities (''CMBS'') and from its equity investments in mortgage affiliates engaged in acquiring, working out, pooling and repackaging real estate debt and issuing CMBS. The Trust and the Funds are scheduled to terminate on January 17, 2002.

4. The Trust owns BlackRock Capital Finance L.P. (''BCF''), which was formed to acquire performing and distressed commercial and residential loans and work out its distressed investments and pool and repackage its performing mortgage loans as mortgage-backed securities or otherwise dispose of loans and related properties. Most of the Trust's approximately $130 million in capital has been invested in BCF.

5. Under an investment advisory agreement between the Trust and applicant, the Trust will pay to applicant both a semi-annual management fee equal to .75% per year of the capital commitments (during the three-year commitment period ending in 1998) or average capital invested (after the commitment period) and a performance fee (the ''Performance Fee''). The Performance Fee is payable as of the first anniversary of the commencement of the Trust's operations, as of each October 31 thereafter and as of the Trust's termination date.

6. The Performance Fee was extensively negotiated between applicant and three ''lead investors,'' large institutional investors in Funds II and III whose commitment represents almost 48% of the capital commitments of all the Funds. The Performance Fee was designed both to require that the Trust achieve at least a 10% annualized total return before applicant is entitled to any Performance Fee and then to further delay its entitlement to such fees until the investors have received distributions at least equal to the amount of capital invested in the Trust.

7. The maximum Performance Fee is 20% of realized total return net of any unrealized losses plus an interest factor related to the delayed payment feature discussed above. In order to ''catch up'' after the 10% minimum annualized return is achieved, the stated rate of the Performance Fee is 40% on the total return between 10% and 20% per year and then reverts to the 20% rate for all incremental returns once the average annual performance has reached 20%.

Applicant's Legal Analysis

1. Section 205(a)(1) of the Act prohibits an investment adviser from performing under an investment advisory contract that provides for compensation to the adviser based on a share of capital gains upon or capital appreciation of a client's funds. Section 206A authorizes the SEC to exempt any person from any provision of the Act to the extent necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of the Act.

2. Rule 205–3 under the Act allows a registered adviser to charge a fee based upon a share of capital gains or capital appreciation of a client's account under certain conditions. Paragraph (b)(1) of the rule requires that the client must

[1] Investors in the Funds signed subscription agreements restricting the transferability of their shares of investors who do not meet the objective financial standards set forth in rule 205–3 (b)(1) under the Act. Moreover, consent by the applicable Fund is required for any transfer other than among affiliates.

have either a minimum account size of $500,000 or a net worth over $1 million.

3. Although the Performance Fee is assessed against the Trust (rather than directly against investors in the Funds), paragraph (b)(2) of the rule requires in effect that each investor in each of the Funds must meet the objective financial test of $500,000 under management or $1,000,000 in net worth set forth in paragraph (b)(1). Applicant represents that, except for the objective financial qualifications established by rule 205–3, all the other requirements of rule 205–3 are satisfied.[2]

4. Individuals who do not have $1,000,000 in net worth and who are employees either of applicant or of BCF seek to invest in Fund III in amounts less than $500,000. These individuals do not satisfy the objective financial test set out in rule 205–3(b)(1). Consequently, rule 205–3 does not permit, and section 205(a)(1) would prohibit, applicant from charging the Performance Fee to the Trust if such individuals invest in Fund III. Applicant requests that the SEC allow it to charge the Performance Fee to all investors, including the non-qualifying employees of applicant and BCF.

5. Applicant represents that each of the individuals in question has a college degree or graduate school training and years of experience in the mortgage securities investment business and is closely involved in the daily business of applicant or BCF. In addition, such non-qualifying personnel all hold positions of vice-president and above (including principal and managing director). Accordingly, each of these individuals has a professional understanding of the risk associated with the Trust's investment program as well as the degree of risk being undertaken by applicant in achieving the program.

6. Applicant argues that the financial sophistication of the non-qualifying employees is exactly what the SEC sought to assure by imposing the exemptive conditions of rule 205–3. In the adopting release, the SEC stated that the objective financial criteria set forth in rule 205–3 are intended to assure that the rule will be limited to advisory contracts with clients who are financially sophisticated and capable of bearing the increased risks associated with incentive fee arrangements.[3] In addition, applicant states that it will make a good faith judgment as to the sophisticated nature of each investor relative to the affairs of the Trust.

7. Applicant further states that each of the individual employees who does not qualify under rule 205–3(b)(1) is an ''accredited investor,'' as such term is defined in rule 501 of Regulation D under the Securities Act of 1933.[4] Each such employee who chooses to invest in Fund III also would execute a binding subscription agreement committing to invest between $25,000 and $100,000.

8. Substantially all of applicant's most senior personnel who do qualify under rule 205–3(b)(1) have committed up to $28 million for Fund III and also share in applicant's profits through incentive compensation plans. Applicant believes that the fact that they have substantial amounts at stake moderates any incentive to take the kinds of investment risks that concerned Congress when it adopted section 205(a)(1) and tends to ensure a community of interest with all other investors, including the proposed non-qualifying investors.

9. Applicant believes that there is also a strong commonality of interest between the qualifying personnel and non-qualifying employees who may wish to invest in Fund III, because the two groups work closely together in conducting the business of the Trust or BCF. The non-qualifying employees are, for example, actively involved in meeting with prospective sellers and buyers of real estate debt, structuring potential transactions, and preparing financial statements and reports to investors. These functions all require a high degree of financial sophistication. As members of the term who expect to make the Trust successful, they would like to be able to participate in that success along with the more senior personnel through an equity investment.

10. Applicant believes that the terms of the Performance Fee eliminate the ability—and any incentive—for applicant to engage in speculative trading practices or artificially enhance its fee by loading profits into one year and losses into another year. The Performance Fee takes into account both realized and unrealized losses, but only realized gains. In addition, it is measured only against cumulative performance over the life of the Trust and is payable only after a cumulative minimum return to investors has been achieved. Further, its accrual and payment are further delayed to minimize the possibility that Performance Fees paid for good performance in the early years could not be recovered by the Trust in later years if performance fell. Applicant also notes that investors in the Funds will receive annual and semi-annual reports with attached financial statements regarding the Funds, the Trust and the Trust's ''downstream affiliates'' as well as tax information regarding those entities, including BCF.

Applicant's Conditions

Applicant agrees that any order granting the requested exemptive relief may be made subject to the following conditions.

1. Applicant's investment advisory arrangement with the Trust will satisfy all the conditions of rule 205–3 of the Act, except for the objective financial standards set forth in paragraph (b)(1) thereof as they apply to the ''non-qualifying'' employees of applicant or BCF.

2. Applicant will use its best efforts to ensure that no shares of any of the Funds or any interests therein are transferred to any person that does not satisfy the applicable objective financial standards of rule 205–3(b)(1).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29715 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[2] Rule 205–3 requires, first, that the adviser's compensation must be based upon a formula that includes realized capital losses, and under certain conditions, unrealized capital depreciation. Second, the compensation must be based upon performance over a period of not less than one year. Third, the adviser must disclose certain information to the client. Finally, the adviser must reasonably believe that the advisory contract represents an arm's-length arrangement and that the client understands the performance fee and its risks.

[3] *See* Investment Advisers Act Release No. 996 (Nov. 14, 1985) (adopting rule 205–3).

[4] Rule 501 of Regulation D defines an accredited investor to include, as here relevant, any natural person having an income of greater than $200,000 for each of the previous two years and an expectation of the same income level for the current year.

[Rel. No. IC—22335; 813–158]

Elfun Trust, et al.; Notice of Application

November 14, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Amendment of Prior Order under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Elfun Trusts, Elfun Tax-Exempt Income Fund, Elfun Income Fund, Elfun Global Fund, Elfun Diversified Fund, Elfun Money Market Fund, General Electric S&S Program Mutual Fund, and General Electric S&S Long Term Interest Fund (collectively, ''Fund'').

RELEVANT ACT SECTIONS: Order requested pursuant to section 6(b) of the Act for an exemption from section 2(a)(13) of

the Act and to amend a previous order granting relief from certain sections of the Act.

SUMMARY OF APPLICATION: The order would permit the beneficial owners of applicants, each applicant an employees' securities company, to donate units (''Units'') of applicants to charities of their choosing, which Units must, on the first business day following the later of the 90th day after their receipt as described in the application or the cessation of circumstances described in paragraphs (1)–(3) of section 22(e) of the Act, be redeemed by the holder or involuntarily by the appropriate applicant, or be transferred to an investor eligible for investing in an Elfun Fund or an S&S Fund.

FILING DATE: The application was filed on November 13, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 9, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 3003 Summer Street, Stamford, Connecticut 06905.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney (202) 942–0574, or Mercer E. Bullard, Branch Chief (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. Applicants are diversified, open-end, management investment companies, and each is organized and operated to meet the definition of an ''employees' securities company'' within the meaning of section 2(a)(13) of the Act. Elfun Trusts is a trust created pursuant to an agreement among the Fund's trustees dated May 27, 1935 and most recently amended July 18, 1978. Elfun Tax-Exempt Income Fund is a trust created pursuant to an agreement among the Fund's trustees dated March 14, 1977 and most recently amended July 12, 1978. Elfun Income Fund is a trust created pursuant to an agreement among the Fund's trustees dated December 22, 1982. Elfun Global Fund is a trust created pursuant to an agreement among the Fund's trustees dated May 15, 1987. Elfun Diversified Fund is a trust created pursuant to an agreement among the Fund's trustees dated June 1, 1987. Elfun Money Market is a trust created pursuant to an agreement among its trustees dated July 15, 1989. General Electric S&S Program Mutual Fund is a trust created pursuant to an agreement among the Fund's trustees dated May 1, 1967, as amended and restated January 1, 1976. General Electric S&S Long Term Interest Fund is a trust created pursuant to an agreement among the Fund's trustees dated as of September 15, 1979.

2. Pursuant to prior orders issued by the SEC, each of the applicants has received exemptions from certain provisions of the Act permitting the formation of various employees' securities companies. Under three prior orders, the SEC has granted Elfun Trusts an exemption from sections 8(b), 10a, 15a, 15c, 16(b), 20(a), 22(f), 30(b)(1) and 32(a) of the Act.[1] The SEC also has issued orders exempting each of Elfun Tax-Exempt Income Fund,[2] Elfun Income Fund,[3] Elfun Global Fund,[4] Elfun Diversified Fund[5] and Elfun Money Market Fund[6] from sections 10(a), 13(a)(4), 15(a), 15(c), 16(a), 30(d) and 32(a) of the Act. In addition, the order for the Elfun Tax-Exempt Income Fund also provided for an exemption from sections 8(b) and 22(f). Finally, the SEC has issued orders exempting the General Electric S&S Long Term Interest Fund[7] and the General Electric S&S Program Mutual Fund[8] from sections 8(b), 10(a), 13(a)(4), 15, 16(a), 18(i), 22(e), 22(f), 24, 30(d) and 32(a)(1); and 8(b), 10(a), 13(a)(4), 15, 16(a), 22(e), 22(f), 24, 30(d) and 32(a) of the Act, respectively.

3. Applicants propose to offer holders of Units (''Unitholders'')[9] the opportunity to realize the tax advantages associated with gifts of appreciated property by permitting Unitholders to donate appreciated Units to charities of their choosing, provided, however, that the charities qualify as tax-exempt entities under section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the ''Code''), and are not private foundations.[10]

4. Applicants have been advised by special tax counsel that a donee-charity's right to hold the appreciated property for a reasonable period of time during which market fluctuations and other events can affect the value of a Unit will help assure that the donor's gift will receive the desired tax treatment. Applicants propose that a charity may hold the Units for up to 90 days during which time it may voluntarily dispose of the Units to eligible participants or submit the Units for redemption. If, after 90 days, a charity remains a Unitholder, the Fund's trustees will use their power under the trust agreement to redeem involuntarily the Units and the charities will be paid the next determined net asset value for the Units they hold.[11]

Applicant's Legal Analysis

1. Section 2(a)(13) of the Act defines ''employees' securities company'' generally as an investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned by employees and former employees of a company.

2. Section 6(b) of the Act provides that the SEC shall exempt employees' securities companies from the provisions of the Act to the extent that such exemption is consistent with the protection of investors. The applicants believe that the Proposal satisfies the requirements of section 6(b).

3. Applicants state that many of the Unitholders have held Units for significant periods of time. In many

[1] Investment Company Act Release Nos. 584 (Dec. 2, 1943), 10375 (Aug. 23, 1978) (notice) and 10414 (Sept. 20, 1978) (order), and 17038 (Jun. 30, 1989) (notice) and 17083 (July 25, 1989) (order).

[2] Investment Company Act Release Nos. 9839 (July 5, 1977) (notice) and 9879 (Aug. 2, 1977) (order).

[3] Investment Company Act Release Nos. 13485 (Sept. 7, 1983) (notice) and 13612 (Nov. 2, 1983) (order).

[4] Investment Company Act Release Nos. 16042 (Oct. 8, 1987) (notice) and 16114 (Nov. 5, 1987) (order).

[5] Investment Company Act Release Nos. 16146 (Nov. 24, 1987) (notice) and 16186 (Dec. 22, 1987) (order).

[6] Investment Company Act Release Nos. 17284 (Mar. 16, 1990) (notice) and 17433 (Apr. 13, 1990) (order).

[7] Investment Company Act Release Nos. 10929 (Nov. 6, 1979) (notice) and 10971 (Dec. 4, 1979) (order).

[8] *General Electric Co.*, 44 S.E.C. 87 (1969).

[9] Unitholders includes only those persons eligible to invest in applicants under the Prior Orders.

[10] With regard to the S&S Funds, this Proposal is limited to those Units that are held outside of the GE Savings and Security Program, a qualified employee benefit program.

[11] Each Fund's net asset value per share is calculated on each day the New York Stock Exchange is open for business. Under each Fund's trust agreement, the trustees have the power to cause the involuntary redemption of Units if the Unitholder would cause the Fund to lose its status as an employees' securities company.

cases, these Units have net asset values that are substantially higher than the basis at which they are carried, causing the Unitholder to realize a gain upon redemption of the Units. Applicants state that their proposal would provide the Unitholder with the tax advantages associated with gifts of appreciated property while the charity receives a security that it can then present to the Fund for redemption in return for cash.

4. Applicants assert that their proposal is an attempt to promote the economic welfare of their employee-investors. The proposal, applicants contend, simply provides the Unitholders with the option of divesting themselves of appreciated property, gaining the associated tax advantages, and avoiding what could otherwise be a substantial tax burden, while donating to the charity of their choosing. Applicants contend that, without this option, many of the Unitholders may be subject to substantial taxes upon redemption of their Units owing to the long holding periods and the appreciation in the value of the Units that has occurred over time. Applicants believe that a Unitholder wishing to use his or her ownership interest in the applicants for philanthropic purposes thus would be forced to submit the shares for redemption, pay the taxes associated with the gain realized by the Unitholder, and then donate the cash proceeds to the charity of his or her choice. Applicants contend that the Unitholder consequently will be forced to redeem more Units than would otherwise be required in order to cover the associated taxes if the Unitholder has an established amount that he or she wishes to donate to a charity.

5. Applicants state that the gift of appreciated property to a charity is a commonly used strategy in philanthropy. Applicants contend that their proposal would permit the Unitholders to do nothing more than they would be entitled to do if the security at issue were any other form of security or asset. The applicants believe that their status as employees' securities companies should not cause detriment to the very people that status is intended to benefit.

6. Applicants also believe that, owing to the short holding period, the charities are less in need of the protections afforded by the Act. The charities will only be permitted to hold the Units for up to 90 days before mandatory redemption is instituted by the applicants at an amount equal to their net asset values.

7. Applicants note that the donee-charities, like all eligible investors, will have many of the protections afforded by the Act. Applicants state that, except for the prospect of involuntary redemption, each donee-charity will be treated as any other Unitholder and therefore will not be disadvantaged by their temporary ownership of Units. Applicants also assert that, so long as the donee-charities qualify as tax-exempt entities under section 501(c)(3) of the Code, the donee-charities will not be subject to any tax liability by reason of their holding Units in applicants or by the redemption of such Units.

Applicants' Condition

Applicants agree that the order granting the requested relief shall be subject to the condition that on the first business day following the later of the 90th day after receipt of Units donated as described in the application or the cessation of circumstances described in paragraphs (1)–(3) of section 22(e) of the Act, the Units will be redeemed by the holder or involuntarily by the appropriate applicant or be transferred by the holder to an investor who is eligible to invest in an Elfun Fund or an S&S Fund.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29717 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26607]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

November 15, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 9, 1996, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

TUC Holding Company (70–8953)

TUC Holding Company (''TUC Holding''), located at Energy Plaza, 1601 Bryan Street, Dallas, Texas 75201, a Texas corporation not currently subject to the Act, has filed an application for an order under sections 9(a)(2) and 10 of the Act authorizing its proposed acquisition of all of the issued and outstanding common stock of (1) Texas Utilities Company (''TUC''), a Texas electric public-utility holding company exempt under section 3(a)(1) from all provisions of the Act except section 9(a)(2), and, through such acquisition, TUC's Texas public-utility subsidiary companies, Texas Utilities Electric Company (''TU Electric'') and Southwestern Electric Service Company (''SESCO''); and (2) ENSERCH Corporation (''ENSERCH''), a Texas gas public-utility company. TUC Holding also requests an order under section 3(a)(1) exempting it from all provisions of the Act except section 9(a)(2), following consummation of the proposed transactions.

TU Electric and SESCO operate as public utilities exclusively in the State of Texas.[1] Both are subject to regulation with respect to retail electric rates and other matters by the Public Utility Commission of Texas (''Texas Commission'') and by certain municipalities with regard to their rates.[2]

TUC also has eight nonutility subsidiaries. Texas Utilities Australia Pty. Ltd, an Australia limited liability company, owns all of the common stock of an Australia foreign utility company, as defined in section 33 of the Act. Texas Utilities Fuel Company, a Texas corporation, owns a natural gas pipeline

[1] TU Electric is engaged in the generation, purchase, transmission, distribution and sale of electric energy in the north central, eastern and western parts of Texas, an area with a population estimated at 5,280,000. SESCO is engaged in the purchase, transmission, distribution and sale of electric energy in ten counties in the eastern and central parts of Texas, with a population estimated at 125,000.

[2] In addition, TU Electric is subject to regulation by the Nuclear Regulatory Commission in connection with its ownership of the Comanche Peak nuclear generating facility.

system and acquires, stores and delivers fuel gas and provides other fuel services at cost to TU Electric. Texas Utilities Mining Company, a Texas corporation, owns, leases and operates fuel production facilities for the surface mining and recovery of lignite at cost for TU Electric. Texas Utilities Services Inc., a Texas corporation, provides administrative services at cost to TUC system companies. Texas Utilities Properties Inc., a Texas corporation, owns, leases and manages properties, primarily TUC's corporate headquarters. Texas Utilities Communications Inc., a Delaware corporation, was organized to provide access to advanced telecommunications technology, primarily for the TUC system's expected expansion of the energy services business. Basic Resources Inc., a Texas corporation, was organized to develop natural resources, primarily energy sources, and other business opportunities. Chaco Energy Company, a New Mexico corporation, currently leases coal reserves in that state.

For the year ended December 31, 1995, TUC's operating revenues on a consolidated basis were approximately $5.64 billion, of which approximately $5.61 billion was derived from TU Electric's and SESCO's electric operations. Consolidated assets of TUC and its subsidiaries at December 31, 1995 were approximately $21.5 billion, of which approximately $17.7 billion consists of utility assets. As of March 31, 1996, there were 225,841,037 outstanding shares of the common stock, no par value, of TUC.

ENSERCH, an integrated company that focuses on natural gas, is the successor to a company organized in 1909 for the purpose of providing natural gas service to north Texas. Through its Lone Star Gas Company division (''Lone Star''), ENSERCH is a gas utility company that purchases and distributes natural gas to over 1.3 million residential, commercial, industrial and electric-generation customers in approximately 550 cities and town, including the Dallas/Fort Worth Metroplex.[3] Lone Star is subject to regulation by the Railroad Commission of Texas (''Railroad Commission'') with respect to rates charged to customers for gas delivered outside incorporated cities and towns and with respect to certain other corporate matters. Rates within incorporated cities and towns in Texas are subject to the original jurisdiction of the local city council with appellate review by the Railroad Commission.

ENSERCH also has various nonutility operations.[4] Lone Star Pipeline Company, a division of ENSERCH, owns a natural gas pipeline in Texas and is engaged in the gathering, processing and marketing of natural gas. Lone Star Pipeline is regulated with respect to gas transportation rates by the Railroad Commission. Enserch Processing Company, a division of ENSERCH, is engaged in the processing of natural gas for the recovery of natural gas liquids. Enserch Energy Services, Inc., a wholly-owned subsidiary of ENSERCH, is a marketer of natural gas and natural gas services, primarily in the Northeast and Midwest and on the West Coast. Enserch Development Corporation, a division of ENSERCH, is engaged in development activities relating to independent electric power generation projects. Fleet Star of Texas, L.C. (''Fleet Star'') and TRANSTAR Technologies, Inc. (''TRANSTAR''), each of which is 50% owned by ENSERCH, are engaged in compressed natural gas businesses.[5]

For the year ended December 31, 1995, ENSERCH's operating revenues on a consolidated basis were approximately $1.9 billion, of which approximately $887 million was attributable to natural gas distribution activities and approximately $220 million to oil and gas exploration and production. Consolidated assets of ENSERCH and its subsidiaries at December 31, 1995 were $3.4 billion, of which approximately $948 million consists of gas distribution property, plant and equipment and $2.6 billion consists of oil and gas exploration and production property, plant and equipment. As of March 15, 1996, there were 68,626,602 outstanding shares of the common stock, par value $4.45 per share, of ENSERCH.

TUC Holding was formed under Texas law to become a holding company for TUC and ENSERCH following consummation of the transactions contemplated by the terms of an Amended and Restated Agreement and Plan of Merger, dated as of April 13, 1996 (''Merger Agreement''), among TUC, ENSERCH and TUC Holding.[6] The Merger Agreement provides for the merger of TUC Merger Corp., a wholly-owned subsidiary of TUC Holding, with and into TUC, with TUC as the surviving corporation, and for the merger of ENSERCH Merger Corp., a wholly-owned subsidiary of TUC Merger Corp., with and into ENSERCH, with ENSERCH as the surviving corporation (together, ''Mergers'').

The application states that the Mergers are expected to create significant operational and administrative economies and efficiencies through combined meter reading, meter testing and billing operations, as well as customer service operations, savings in facility maintenance and emergency work coordination, and other administrative and general savings. In addition, as a result of the Mergers, TUC Holding is expected to be better positioned to remain competitive as the utility industry evolves.

Upon consummation of the Mergers: (1) Each issued and outstanding share of TUC common stock (other than any shares owned by TUC, any subsidiary of TUC, ENSERCH or any subsidiary of ENSERCH, all of which will be cancelled without consideration and will cease to exist) will be converted into the right to receive one share of the common stock, without per valve, of TUC Holding; (2) each issued and outstanding share of ENSERCH common stock, together with associated rights to purchase, in certain specified circumstances, interests in ENSERCH voting preference stock or, in other specified circumstances, shares of ENSERCH common stock,[7] (other than any shares owned by ENSERCH, any subsidiary of ENSERCH, TUC or any subsidiary of TUC, all of which will be cancelled without consideration and will cease to exist) will be converted into that number of shares of TUC Holding common stock obtained by dividing $8.00 by the average closing sales price of TUC common stock as reported on the New York Stock Exchange Consolidated Transactions Tape on each of the 15 consecutive trading days preceding the fifth trading day prior to the consummation of the Mergers (''Average TUC Price''); provided, however, that in no event will the Average TUC Price be deemed to be less than $35,625 or more than $43,625; and (3) all shares of capital stock of TUC

[3] Lone Star also provides consulting services with respect to gas distribution.

[4] The application states that certain of these interests will not become part of the TUC Holding system. These include ENSERCH's direct and indirect ownership of 83.4% of the outstanding common stock of Enserch Exploration, Inc., a company engaged in the exploration for, and development, production and sale of, natural gas and crude oil. Two other subsidiaries of ENSERCH that are engaged in the compressed natural gas business, Lone Star Energy Company and its wholly-owned subsidiary, Lone Star Energy Plant Operations, Inc., also will not become part of the TUC Holding system.

[5] Fleet Star owns public natural gas fueling stations and TRANSTAR provides turnkey natural gas vehicle conversions and related services.

[6] At present, the common stock of TUC Holding is owned equally by TUC and ENSERCH.

[7] These rights are governed by the terms of a Rights Agreement between ENSERCH and Harris Trust Company of New York, as Rights Agent thereunder, dated as of March 26, 1996.

Holding issued and outstanding immediately prior to the transaction will be cancelled. Outstanding shares of ENSERCH preferred stock and ENSERCH convertible debentures will remain outstanding ENSERCH securities after the Mergers, and the debentures will be convertible into TUC Holding common stock. The Mergers are expected to qualify as tax-free transactions under section 351 of the Internal Revenue Code of 1986, as amended. Based on the Average TUC Price if the Mergers had been consummated on April 12, 1996 (the date of the Merger Agreement), and the capitalization of TUC and ENSERCH on that date, the shareholders of TUC and ENSERCH would own securities representing approximately 94.3% and 5.7%, respectively, of the outstanding common stock of TUC Holding.

As a result of the Mergers, TUC Holding will be a public-utility holding company as defined in section 2(a)(7) of the Act with three public-utility subsidiaries, TU Electric, SESCO and ENSERCH. TUC Holding will change its name to Texas Utilities Company. It states that following consummation of the Mergers, it will be entitled to an exemption from all provisions of the Act except section 9(a)(2) because it and each of its public-utility subsidiaries from which it derives a material part of its income will be predominantly intrastate in character and will carry on their utility businesses substantially within the state of Texas.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29790 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26606]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

November 15, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and /or declaration(s) should submit their views in writing by December 9, 1996, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

National Fuel Gas Company (70–8943)

Notice of Proposal to Issue Common Stock; Order Authorizing Solicitation of Proxies

National Fuel Gas Company (''NFG''), 10 Lafayette Square, Buffalo, New York 14203, a gas registered holding company, has filed a declaration under sections 6(a), 7 and 12(e) of the Act and rules 62 and 65 thereunder.

By resolutions adopted by the Board of Directors of NFG (''Board'') on September 19, 1996, NFG's By-laws were amended to establish a shares payment policy (''Plan'') whereby nonemployee NFG directors (''Eligible Directors'') would receive compensation in the form of NFG Common Stock, $1 par value (''Common Stock'') for serving on the Board. Under the Plan one hundred shares of Common Stock would be issued quarterly to each Eligible Director and would constitute a portion of such Eligible Director's annual retainer. The Plan provides for a proration of such payments for any quarter during which an Eligible Director has rendered only partial service. Common Stock issued pursuant to the Plan would be non-transferable until the later of two years from date of issuance or six months after the Eligible Director's cessation of service as a director. NFG states that from time to time the Board will make adjustments in the number of shares issuable to each Eligible Director, as the Board in its discretion deems appropriate in light of then existing circumstances. It is anticipated that the initial issuance of Common Stock under the Plan will take place in respect of the quarter commencing January 1, 1997.

One hundred thousand shares of Common Stock, which may be authorized but unissued shares, treasury shares or a combination thereof, have been reserved for issuance under the Plan. The Board may also adjust the number of these shares, reserved or issued, in order to prevent dilution or enlargement in the event of a stock split, reverse stock split, reorganization or similar event with respect to which the Board determines that an equitable adjustment is appropriate.

NFG requests authorization to implement the Plan through December 31, 2001, to issue up to one hundred thousand shares of Common Stock pursuant to the Plan, effective January 1, 1997, and to adjust the number of shares of Common Stock that may be issued under the Plan. In addition, NFG proposes to solicit proxies from its shareholders to approve amendments to NFG's By-laws establishing the Plan at the next annual meeting, scheduled for February 20, 1997. Accordingly, NFG requests that an order authorizing the solicitation of proxies be issued as soon as practicable pursuant to rule 62(d).

It appearing to the Commission that NFG's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith:

It is ordered, that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith, pursuant to rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29793 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37960; International Series Release No. 1028; File No. SR-Amex–96–38]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by American Stock Exchange, Inc., Relating to the Listing and Trading of Index Warrants Based on the BEMI Latin America Index

November 15, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 15, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with

[1] 15 U.S.C. 78s(b) (1)

[2] CFR 240.19b–4.

the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex, pursuant to Rule 19b–4 of the Act proposes to approve for listing and trading under Section 106 of the Amex *Company Guide* index warrants based on the BEMI Latin America Index (''Index''), a market capitalization-weighted broad-based index developed by ING Barings Securities Limited comprised of companies from seven Latin American countries representing eleven different industry groups.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Under Section 106 (Currency and Index Warrants) of the Amex *Company Guide*, the Exchange may approve for listing index warrants based on foreign and domestic market indices. The Amex has received approval to trade a number of index warrant products pursuant to Section 106.[3] The Amex represents that the listing and trading of warrants on the Index will comply in all respects to Exchange Rules 1100 through 1110 for the trading of stock index and currency warrants.

Warrant issues on the Index will conform to the listing guidelines under Section 106, which provide, among other things, that (1) the issuer shall have tangible net worth in excess of $250,000,000 and otherwise substantially exceed earnings requirements in Section 101(A) of the *Company Guide* or meet the alternate guideline in paragraph (a); (2) the term of the warrants shall be for a period ranging from one to three years from date of issuance; and (3) the minimum public distribution of such issues shall be 1,000,000 warrants, together with a minimum of 400 public holders, and have an aggregate market value of $4,000,000.

Index warrants will be direct obligations of their issuer subject to cash-settlement during their term, and either exercisable throughout their life (*i.e.,* American style) or exerciseable only on their expiration date (*i.e.,* European style). Upon exercise, or at the warrant expiration date (if not exercisable prior to such date), the holder of a warrant structured as a ''put'' would receive payment in U.S. dollars to the extent that the Index has declined below a pre-stated cash settlement value. Conversely, holders of a warrant structured as a ''call'' would, upon exercise or at expiration, receive payment in U.S. dollars to the extent that the Index has increased above the pre-stated cash settlement value. If ''out-of-the-money'' at the time of expiration, the warrants would expire worthless.

The Amex has adopted suitability standards applicable to recommendations to purchasers of Index warrants and transactions in customer accounts. Amex Rule 411, Commentary .02 recommends that index warrants under Section 106 of the *Company Guide* be sold only to investors whose accounts have been approved for options trading pursuant to Rule 921. The requirements under Rule 923 (Suitability) shall apply to recommendations in index warrants both with respect to customer accounts that have been approved for options trading and customer accounts that have not been so approved. Amex Rule 421, Commentary .02 requires a Senior Registered Options Principal or a Registered Options Principal to approve and initial a discretionary order in Index warrants on the day the order is entered. In addition, the Amex, prior to the commencement of trading of Index warrants, will distribute a circular to its membership calling attention to specific risks associated with warrants on the Index.

The Amex is proposing to list index warrants based on the Index, an internationally-recognized capitalization-weighted index representing a broad-based portfolio of 119 large, actively traded stocks from seven Latin American countries.[4] The total market capitalization of the Index was $237.4 billion on September 30, 1996. The total available market capitalization [5] of the Index was $104.5 billion on September 30, 1996. The median available capitalization of the companies in the Index on that date was $429 million and the average available market capitalization of these companies was $878 million. The individual available market capitalization of the companies ranged from $15.9 million to $8.8 billion.

The Index was designed by and is maintained by ING Barings. The stocks selected for inclusion in the Index were chosen on the basis of both country and company criteria. To be included in the Index a country must have a minimum Gross Domestic Product per capita of $400 and a minimum market trading value of $2 billion per year, in at least one of the last three years. The companies included in the Index are drawn from a database of stock entities, which may represent individual companies in their entirety, or separate lines of stock, e.g. A shares and B shares, of the same company. The criteria for stock entities to be included are: Capitalization value greater than 1% of the ING Barings database for that country, minimum free-float of 10%, minimum average daily trading value of $100,000. In addition shares that rank first or second in their industry sector may be included if they have a minimum capitalization of 0.5% of the ING Baring database for that country and meet the normal free-float and daily trading value rules.

The number of stocks and weighting in the Index as of 9/30/96 is as follows: Argentina 22 stocks/12.71% weighting, Brazil 23 stocks/39.36% weighting, Chile 16 stocks/12.30% weighting, Columbia 13 stocks/1.94% weighting, Mexico 27 stocks/25.35% weighting, Peru 12 stocks/7.13% weighting, and Venezuela 6 stocks/1.19% weighting. The Index is composed of companies from 11 industry groups including: consumer goods, energy, capital equipment, basic materials, agriculture/food and financial. The largest stock accounts for 8.43% of the Index, while

[3] See Securities Exchange Act Release No. 36070 (August 9, 1995), 60 FR 42205 (August 14, 1996) (approval for index warrants on the Deutscher Aktienindex); Securities Exchange Act Release No. 33036 (October 8, 1993), 58 FR 53588 (October 15, 1993) (approval for index warrants on the Amex Hong Kong 30 Index); and Securities Exchange Act Releases No. 31016 (August 11, 1992), 57 FR 37012 (August 17, 1992) (approval for index warrants on the Japan Index).

[4] The list of the component securities and their respective weights in the Index were attached to the proposed rule filing as Exhibit A, and are available for examination at the Amex or at the Commission as specified in Item IV.

[5] Available market capitalization refers to market capitalization that is available to foreign investors and that reflects the restrictions in place in many emerging markets where large and variably defined portions of a company's market capitalization are not available to foreign investors.

the smallest accounts for 0.015%. The top five stocks in the Index by weight account for 29.62%. The Exchange believes that the Index is a Stock Index Group and a Broad Stock Index Group pursuant to Rule 1100(b).

The Exchange also believes that the proposed Index complies with the information sharing standards of Section 106(g) of the Company Guide.[6] In this regard, the Commission previously has permitted U.S. derivatives markets to list derivatives on securities where the home market for such securities is located in Argentina, Brazil, Chile and Mexico based upon the Commission's and the Exchange's information sharing arrangements with the appropriate government or self-regulatory authorities in such countries. (The Commission has Memoranda of Understanding with government authorities in Argentina, Brazil, Chile and Mexico; the Exchange has information sharing agreements with the securities markets and/or self-regulators in Argentina, Brazil and Chile.) Because Argentinean, Brazilian, Chilean, and Mexican securities comprise 89.73% of the value of the Index, the Exchange represents that the Index meets the information sharing standards of Section 106(g) of the Company Guide.

The Index is capitalization-weighted and based on available capitalization. The Index is quoted in U.S. dollars and disseminated daily shortly after 4 p.m. New York time using local market closing prices and Reuters 4 p.m. exchange rates. The Index was first calculated on January 7, 1992 with a benchmark value of 100.

The Index is maintained by ING Barings Recomposition Committee. The Recomposition Committee, established at the time of the launch of the Index, reviews on a quarterly basis the Index rules and composition. The committee implements changes or fixes standards as appropriate and oversees the security environment of the Index and its record-keeping. The quarterly recomposition meeting is normally held in the second week of the last month of the quarter. The date of these meetings is posted at least two months in advance on Reuters and the results are posted on Reuters the day after a committee meeting. Any changes in the composition of the Index are implemented on the last day of the month that the committee meeting is held. This is approximately two weeks after the committee meeting.

According to the Exchange, membership of the committee is regulated by a ''Fire Wall.'' All members are isolated from sales, trading functions and corporate finance functions. Members are drawn from Index research, calculations group, and the legal department of ING Barings. To ensure impartiality and good practice, the committee has retained Russell Systems Limited (Part of the Frank Russell Group) to attend all meetings and to provide an audit of attendance and appropriateness of the agenda. Russell Systems Limited also provides advice on good practice in indexation and on how to ensure the use of the best available information on emerging markets.

2. Basis

The Amex believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular[7] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–96–38 and should be submitted by December 12, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29789 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37946; File No. SR–CHX–96–27]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Permanent Approval of Its Pilot Program for Automatic Execution of Limit Orders

November 13, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 15, 1996, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

[6] Section 106(g) of the Company Guide states that foreign country securities or American Depository Receipts thereon that are not subject to a comprehensive surveillance agreement, and have less than 50% of their global trading volume in dollar value within the United States, shall not in the aggregate, represent more than 20% of the weight of an index, unless such index is otherwise approved for warrant or option trading.

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 200.30–3(a)(12).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange requests permanent approval of its system enhancement relating to the automatic execution of non-marketable limit orders.

On July 12, 1995, the Commission approved this system enhancement on a pilot basis, expiring on July 31, 1996.[1] The pilot program was extended in a subsequent Commission approval order and is currently scheduled to expire on December 31, 1996.[2] In the Pilot Approval Order, as amended by the Pilot Extension Order, the Commission requested that the CHX provide a report to the Commission, by August 31, 1996, describing its experience with the pilot program. This report has been submitted to the Commission.

The proposed system enhancement (''Auto-Ex'') is a feature of the Exchange's automated execution system (''MAX'') that CHX specialists may voluntarily choose to activate to execute automatically non-marketable limit orders[3] on the specialist's book. Auto-Ex will operate by comparing the size of the CHX-entered limit order against the amount of stock ahead of that order in the primary market when the issue is trading in the primary market at the limit price. The Auto-Ex System will begin comparing CHX-entered limit orders when the limit price equals the bid or offer quoted in the primary market (as the case may be) for the first time.[4] Thereafter, the Auto-Ex system will keep track of all prints in the primary market and will automatically execute the limit order once the required size prints in the primary market.[5] As additional limit orders at the same price are received by the specialist, comparisons will be made and entered based upon the shares ahead of those limit orders at the time of receipt, including shares ahead on the CHX. The Auto-Ex feature will not permit a limit order to be filled out of sequence.

The Auto-Ex feature will execute limit orders in accordance with existing CHX rules.[6] Auto-Ex will be available for all dually traded issues; however, specialists will be permitted to choose Auto-Ex on an issue by issue basis.[7] Generally, however, Auto-Ex will be used for issues which, based on experience, have demonstrated reliable and accurate quotes in the primary market. Limit orders not subject to Auto-Ex will be ''flagged'' with a prompt to alert the specialist that a fill may be due. The proposal to establish an Auto-Ex feature applies only to non-marketable limit orders. It is not applicable to marketable limit orders or to market orders. The text of the proposed rule change is available at the CHX and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to request permanent approval of the Auto-Ex System. The Auto-Ex System further automates the CHX's trading floor functions in order to improve the CHX's performance in filling limited orders. By providing for automatic execution of limit orders in accordance with existing Exchange rules, the CHX is eliminating the need for the manual operation required of specialists in determining when and to what extent limit orders are due fills based on primary market prints. The manual effort expended by specialists in filling limit orders that are entitled to primary market protection is often time-consuming and can result in errors, particularly when there is heavy trading volume. The present proposal, therefore, directly benefits customers because it results in more timely fills while eliminating errors resulting from manual execution.

The Auto-Ex feature does not change or amend any CHX trading rules, nor does it cause or allow limit orders to be filled under different parameters than under existing rules. Auto-Ex only automates the manner in which limit orders are filled. The CHX will continue to monitor specialist execution of limit orders through the Market Regulation/Surveillance Department. In addition, CHX specialists will continue to be responsible for their books to the same degree as they are now under the manual execution system for limit orders.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest. In this regard, Auto-Ex should help to speed execution of non-marketable limit orders on the CHX and may reduce the possibility of missed orders during periods of heavy trading volume.

The Exchange believes the proposed rule change is consistent with the requirements of Section 11A(a)(1)(C) of the Act in that the proposal is designed to contribute to the best execution of investors' orders while assuring the economically efficient execution of transactions, which in turn protects the

[1] *See* Securities Exchange Act Release No. 35962 (July 12, 1995) (File No. SR–CHX–95–11) (''Pilot Approval Order'').

[2] *See* Securities Exchange Act Release No. 37442 (July 16, 1995) (File No. SR–CHX–96–18) (''Pilot Extension Order'').

[3] A limit order is an order to buy or sell a stated amount of a security at a specified price or at a better price. A limit order is called ''marketable'' when the prevailing best offer (bid) is equal to or less (greater) than the limit buy (sell) order price.

[4] For example, if the primary market quotation is ¼ bid, ½ offered, 4,000 shares bid and 4,000 shares offered, and a CHX specialist receives a limit order by buy 2,000 shares for ⅛, that limit order will not be compared against the amount of stock ahead of the order in the primary market until such time as the ¼ bid is exhausted and the ⅛ bid becomes the best bid. At that time, the size which is disseminated with the ⅛ bid is the size against which the limit order is compared for Auto-Ex purposes.

[5] For example, assume a CHX specialist receives an agency limit order to buy 2,000 shares of ABC at ½. The primary market quotation is ½ bid, ¾ offered, 5,000 shares bid and 5,000 shares offered, meaning there are 5,000 shares ahead of the CHX order. The Auto-Ex system will automatically execute the entire CHX limit order after 7,000 shares print at ½ or better in the primary market. However, when more than 5,000 but less than 7,000 shares print at ½ in the primary market, the order will be flagged with a flashing prompt to alert the specialist that the order may be due at least a partial fill. See CHX Article XX, Rule 37(a) governing primary market protection of certain limit orders.

[6] Further, the Exchange has stated that the recent adoption of the Order Execution Obligations (Securities Exchange Act Release No. 37619 (August 29, 1996), 61 FR 48290 (September 12, 1996)) will have no impact or effect on the proposed rule change. *See* Letter from J. Craig Long, Foley & Lardner to Janice Mitnick, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, dated November 8, 1996.

[7] The CHX will limit a specialist's ability to activate and then deactivate Auto-Ex regularly by: (1) only permitting as specialist to deactivate Auto-Ex on a certain day each month and (2) requiring that issues remain on Auto-Ex for a minimum of five trading days.

public interest and promotes fair and orderly markets. In this regard, incoming orders subject to Auto-Ex, just as any other CHX order entitled to primary market protection, should receive the best execution available because a print on the primary market at the limit price triggers execution on the CHX. In addition, the Exchange's implementation of Auto-Ex should assure fair competition among exchange markets, which benefits public investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–96–27 and should be submitted by December 12, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29718 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37956; File No. SR–NASD–96–20; Amendment No. 4]

Self-Regulatory Organizations; Notice of Filing and Order Granting Temporary Accelerated Approval to Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Changes in the Structure of the NASD Board of Governors

November 15, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 12, 1996, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') Amendment No. 4 to the proposed rule change as described in Items I, II and III below, which Items have been prepared by the NASD.[1] The Commission is publishing this notice to solicit comments on the proposed rule change as further amended by Amendment No. 4 from interested persons and is simultaneously granting accelerated approval to the proposed rule change for a period of six months.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In 1995, the NASD Board of Governors (''Board'') appointed The Select Committee on Structure and Governance (''Select Committee'') to examine the corporate structure, governance, and functions of the NASD and to recommend changes and improvements to enable the NASD to meet its regulatory and business obligations. In September 1995, the Select Committee recommended, among other things, that the NASD establish two distinct subsidiaries; one to perform the regulatory functions of the NASD and the other to run The Nasdaq Stock Market, Inc. (''Nasdaq''). The Select Committee recommended that each subsidiary have an independent Board of Directors with at least 50% public representation and that the NASD remain as parent corporation overseeing the operations of both subsidiaries. The Select Committee recommended that the NASD Board of Governors be composed of a majority of public directors.

In January 1996, the NASD created a new subsidiary, NASD Regulation, Inc. (''NASD Regulation'') to provide regulation and member and constituent services, with the NASD retaining responsibility for general oversight over the effectiveness of the self-regulatory and business operations of the NASD and its major subsidiaries, Nasdaq and NASD Regulation, and final policymaking authority for the association as a whole. The NASD also adopted Select Committee proposals to restructure and reduce the size of the NASD Board and to implement policies to ensure a balance of non-industry and industry representation on the Nasdaq and NASD Regulation Boards.

On April 11, 1996, the Commission granted temporary approval for a period of 90 days to: (i) amendments to Article VII of the NASD By-Laws to create a national nominating committee to nominate persons to serve on the Board of Governors and reconstitute the Board

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[8] 17 CFR 200.30–3(a)(12).

[1] The NASD originally filed the rule change on May 28, 1996. On June 5, 1996, the NASD filed Amendment No. 1 to the proposed rule change. Amendment No. 1 amended Article VI, Section 5 of the NASD By-Laws (''By-Laws'') to clarify that, in a contested election, the term of office of a candidate certified by the National Nominating Committee for inclusion on the ballot for the election of Governors pursuant to Article VI, Section 7(c) would be identical to the term of office of a candidate nominated by the National Nominating Committee pursuant to Article VI, Section 7(c). Amendment No. 1 also amended Article VI, Section 7(a) of the By-Laws to clarify that any person elected to the Board of Governors must be nominated or certified by the National Nominating Committee. *See* Letter from Suzanne E. Rothwell, Associate General Counsel, NASD to Katherine A. England, Assistant Director, Division of Market Regulation, Commission (dated June 4, 1996).

On July 2, 1996, the NASD filed Amendment No. 2 to the proposed rule change. Amendment No. 2 provided the final report of the vote of the NASD membership with respect to the proposed rule change. 2,227 valid ballots were received from NASD members. 2,101 voted to approve the proposed rule change, 117 voted to disapprove the proposed rule change and 9 did not vote.

On July 10, 1996, the NASD filed Amendment No. 3 to the proposed rule change. Amendment No. 3 requested temporary approval of the proposed rule change for a period of 120 days. *See* Letter from T. Grant Gallery, Senior Vice President and General Counsel, NASD to Katherine A. England, Assistant Director, Division of Market Regulation, Commission (dated July 10, 1996).

The Commission previously published notice of the proposed rule change (Securities Exchange Act Release No. 37282 (June 6, 1996), 61 FR 29777 (June 12, 1996)) and granted accelerated approval to the proposed rule change for a period of 120 days (Securities Exchange Act Release No. 37424 (July 11, 1996); 61 FR 37515 (July 18, 1996).

as a majority non-industry Board [2]; (ii) NASD Rule 130 providing for the delegation of the authority to act on behalf of the NASD to NASD Regulation and Nasdaq pursuant to the ''Plan of Allocation and Delegation of Functions by NASD to Subsidiaries'' (''Delegation Plan''); and (iii) the Delegation Plan.[3] The Delegation Plan sets forth certain purposes, functions and governance procedures of the three corporations working together.

On June 11, 1996, the Commission approved the instant proposed rule change for a period of 120 days. The rule change amended the By-Laws to conform them to the Delegation Plan. The rule change provided for the creation of a national nominating committee to identify and nominate for election industry and non-industry persons to serve on the Board; deleted references to the Districts and local administration, because responsibility for the local administration of regulatory affairs under the Delegation Plan has been assigned to NASD Regulation; conformed terms and rule citations to those used in the reorganized *NASD Manual* and made miscellaneous clarifying corrections to the By-Laws; and replaced all references to the NASD ''Certificate of Incorporation'' with references to the ''Restated Certificate of Incorporation'' to reflect that the Certificate of Incorporation has been amended to be consistent with the changes previously adopted and proposed herein to the By-Laws.[4]

The NASD hereby files this Amendment No. 4, pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder, to obtain authorization for an interim extension of the amendments to the By-Laws for a period of six months.[5] During this interval, there will be no further amendments to the By-Laws, absent Commission approval of a corresponding Rule 19b–4 filing.

[2] Securities Exchange Act Release No. 37106 (April 11, 1996), 61 FR 16944 (April 18, 1996) (''Release 34–37106'').

[3] Securities Exchange Act Release No. 37107 (April 11, 1996), 61 FR 16948 (April 18, 1996) (''Release 34–37107'').

[4] The Commission separately approved SR–NASD–96–29, amending the Delegation Plan, for a period of 120 days. *See* Securities Exchange Act Release No. 37425 (July 11, 1996), 61 FR 37518 (July 18, 1996).

[5] The NASD also filed Amendment No. 3 to SR–NASD–96–29, requesting an extension of the Commission's temporary approval of the Delegation Plan for a period of six months. The Commission is separately approving that rule change as further amended Amendment No. 3. *See* Securities Exchange Act Release No. 37957 (November 15, 1996).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this Amendment No. 4 is to ensure continued effectiveness of the amended NASD By-Laws while the Commission considers whether to grant permanent approval to the instant NASD rule filing. Amendment No. 4 is intended to ensure that the NASD continues to possess the requisite corporate authority to continue the restructuring necessary to implement the principles articulated in the report of the Select Committee.

2. Statutory Basis

The NASD believes that the proposed rule change as further amended by Amendment No. 4 is consistent with the provisions of Sections 15A(b) (2), (4), and (6) of the Act [6] in that the restructured organization will: (1) provide for the organization of the Association in a manner that will permit the Association, through its operating subsidiaries, to carry out the purposes of the Act, to comply with the Act, and to enforce compliance by Association members and persons associated with members with the Act, the rules and regulations thereunder, the rules of the Association and the federal securities laws; (2) provide for the fair representation of members, issuers and investors on the Board of Governors and in the administration of the NASD's affairs; and (3) enhance the NASD's ability to protect investors and the public interest in furtherance of the purposes of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

[6] 15 U.S.C. § 78*o*–3.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received. However, in connection with the publication of certain parts of the proposed rule change for member vote in Notice to Members 95–101, attached as Exhibit 2 to rule filing SR–NASD–96–02, the NASD received three comments, which were attached as Exhibit 4 to SR–NASD–96–02. The NASD's statement on the comments received with respect to Notice to Members 95–101 is set forth in rule filing SR–NASD–96–02 and was published by the Commission in Release 34–37106.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD requests that the Commission find good cause, pursuant to Section 19(b)(2) of the Act, for approving the proposed rule change prior to the 30th day after its publication in the Federal Register to avoid any interruption of the effectiveness of the amended By-Laws. The current authorization for the Service was scheduled to expire by November 18, 1996. Hence it is imperative that the Commission approve the instant filing on or before that date. Otherwise, the NASD will be required to suspend operation of the self-regulatory organization functions currently assumed by NASD Regulation and Nasdaq pending Commission action on the proposed extension.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be

available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–96–20, Amendment No. 4 and should be submitted by December 12, 1996.

V. Commission's Findings and Order Granting Accelerated Approval

The Commission finds that the proposed rule change is consistent with the provisions of Sections 15A(b) (2), (4), and (6) of the Act[7] in that the restructured organization will: (1) provide for the organization of the Association in a manner that will permit the Association, through its operating subsidiaries, to carry out the purposes of the Act, to comply with the Act, and to enforce compliance by NASD members and persons associated with members with the Act, the rules and regulations thereunder, the rules of the Association and the federal securities laws; (2) provide for the fair representation of members, issuers and investors on the Board of Governors and in the administration of the NASD's affairs; and (3) enhance the NASD's ability to protect investors and the public interest in furtherance of the purposes of the Act.

The NASD has requested that the Commission approve the proposed rule change on or before November 18, 1996, which is prior to the 30th day following publication of notice of the filing of the proposed rule change in the Federal Register, in order to permit the uninterrupted authorization of those corporate actions necessary to effectuate the Delegation Plan.

Pursuant to Section 19(b)(2) of the Act,[8] the Commission finds good cause for approving the proposed rule change, as further amended by Amendment No. 4, prior to the 30th day after publication in the Federal Register. The proposed rule change will permit the NASD to continue to carry out the functions and organize itself in the manner contemplated by the Delegation Plan, which is intended to enable the NASD to meet its regulatory and business obligations. Because the Commission believes that the proposed rule change facilitates the ability of the NASD to manage its affairs in a manner that enhances its ability to carry out the purposes of the Act and enforce compliance by NASD members and their associated persons with the provisions of the Act, the Commission believes that the rule filing should be approved without delay, for a six-month period.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that SR–NASD–96–20, as further amended by Amendment No. 4, be, and hereby is, approved effective through May 15, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

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[7] 15 U.S.C. § 78*o*–3.

[8] 15 U.S.C. § 78s(b)(2).

[Release No. 34–37957; File No. SR–NASD–96–29; Amendment No. 3]

Self-Regulatory Organizations; Notice of Filing and Order Granting Temporary Accelerated Approval of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to the Allocation and Delegation of Authority and Responsibilities by the National Association of Securities Dealers, Inc., to NASD Regulation, Inc., and the Nasdaq Stock Market, Inc.

November 15, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 12, 1996, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') Amendment No. 3 to the proposed rule change as described in Items I, II and III below, which Items have been prepared by the NASD.[1] The Commission is publishing this notice to solicit comments on the proposed rule change as further amended by Amendment No. 3 from interested persons and is simultaneously granting accelerated approval to the proposed rule change for a period of six months.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to extend the effectiveness of: (1) Rule 0130 to the NASD, NASD's rules delegating to the subsidiaries of the NASD Regulation, Inc. (''NASDR'') and The Nasdaq Stock Market, Inc. (''Nasdaq''), the authority to act on behalf of the Association as set forth in a Plan of Allocation and Delegation adopted by the NASD Board of Governors and approved by the Commission pursuant to its authority under the Act; and (2) adopt a Plan of Allocation and Delegation of Functions by NASD to Subsidiaries (''Delegation Plan'') setting forth the purpose, function, governance, procedures and responsibilities of the NASD, NASDR and Nasdaq, following the reorganization of the NASD.

Rule 0130 and the Delegation Plan originally were filed with the Commission in SR–NASD–96–16 and were simultaneously published for comment and approved by the Commission on a temporary basis for a period of 90 days.[2] Release 34–37107 contained the full text of Rule 0130 and the Delegation Plan with the exception of three amendments thereto. On July 11, 1996, the Commission issued a release publishing for comment the three amendments to the Delegation Plan and further approving Rule 0130 and the Delegation Plan as amended for a period of 120 days.[3] Release 34–37107 and Release 34–37425 published the complete text of the rule change.

The NASD hereby files this Amendment No. 3, pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder, to obtain authorization for an interim extension of the Delegation Plan as amended for a period of six months.[4] During this interval, there will be no further amendments to the Delegation Plan, absent Commission approval of a corresponding Rule 19b–4 filing.

[1] The NASD originally filed the rule change on July 2, 1996. On July 8, 1996, the NASD filed Amendment No. 1 to the proposed rule change. Amendment No. 1 amended the language of proposed new Subsections II.C.4 and III.C.3 of the Delegation Plan to clarify that it is proposed that the NASD Board of Governors have authority to determine to both call for review or not call for review a matter of the subsidiary Board during the 15-day period provided for consideration by the NASD Board.

On July 10, 1996, the NASD filed Amendment No. 2 to the proposed rule change. Amendment No. 2 requests temporary approval of the proposed rule change for a period of 120 days. See Letter from T. Grant Callery, Senior Vice President and General Counsel, NASD to Katherine A. England, Assistant Director, Division of Market Regulation, Commission (dated July 10, 1996).

The Commission previously published notice of the proposed rule change and granted accelerated approval to the proposed rule change for a period of 120 days (Securities Exchange Act Release. No. 37425 (July 11, 1996); 61 FR 37518 (July 18, 1996) (''Release 34–37425'').

[2] Securities Exchange Act Release No. 37107 (April 11, 1996), 61 FR 16948 (April 18, 1996) (Release 34–37107).

[3] Release 34–37425.

[4] The NASD also filed Amendment No. 4 to SR–NASD–96–20, requesting an extension of the Commission's temporary approval of the amended NASD By-Laws for a period of six months. The Commission is separately approving that rule change as further amended by Amendment No. 4. See Securities Exchange Act Release No. 37956 (November 15, 1996).

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this Amendment No. 3 is to ensure continued effectiveness of the Delegation Plan while the Commission considers whether to grant permanent approval to the instant NASD rule filing.

Description of Delegation Plan. The Delegation Plan is organized in three principal parts, one for each of the three major entities that will constitute the reorganized NASD: the parent corporation, National Association of Securities Dealers, Inc.; the regulatory subsidiary, NASD Regulation, Inc.; and the stock market operating subsidiary, The Nasdaq Stock Market, Inc.[5] The Delegation Plan, the contents of which are self-explanatory, describes the purposes, functions, governance, procedures and responsibilities of each entity.

The first part of the Delegation Plan describes the parent corporation, National Association of Securities Dealers, Inc. The Delegation Plan sets forth the purpose and function of the NASD; the composition of the Board of Governors, including provisions relating to the qualifications for Governors, election procedures, creation of a National Nominating Committee,[6] term of office, vacancies and removal from office; the function, composition and reporting structure of the Audit Committee and the Office of Internal Review; the function and composition of the Management Composition Committee; and the Commission's access to and status of officers, directors, employees, books, records and premises of the subsidiaries.

The second part of the Delegation Plan describes the regulatory subsidiary, NASD Regulation, Inc. The Delegation Plan sets forth the delegation of authority to NASDR by the NASD; the purpose, function and authority of NASDR; the composition of and qualifications for members of the Board of Directors from 1997 forward, including provisions relating to election procedures; the function and composition of the National Business Conduct Committee; the Board's procedures for reviewing disciplinary actions, statutory disqualification decisions and proposed rule change recommendations; and the Board's procedures for initiating actions.

The third part of the Delegation Plan describes the stock market operating subsidiary, The Nasdaq Stock Market, Inc. The Delegation Plan sets forth the delegation of authority to Nasdaq; the purpose and function of Nasdaq; the composition of and qualifications for members of the Board of Directors, including, provisions relating to election procedures and the authority of the Board; the Board's procedures for reviewing listing/delisting decisions, and rule change recommendations; the Board's procedures for initiating actions; the functions and composition of the Quality of Markets Committee; and functions of the Stockwatch Department.

2. Statutory Basis for the Proposed Rule Change

The NASD believes that the proposed rule change as further amended by Amendment No. 3 is consistent with the provisions of Section 15A(b)(2) of the Act[7] in that the terms of the Delegation Plan will provide for the organization of the Association in a manner that will permit the Association, through its operating subsidiaries, to carry out the purposes of the Act, to comply with the Act, and to enforce compliance by Association members and persons associated with members with the Act, the rules and regulations thereunder, the rules of the Association and the federal securities laws.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change as further amended by Amendment No. 3 will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received. However, in connection with the publication for member vote of proposed amendments to the By-Laws to implement the Delegation Plan in Notice to Members 95–101 (December 11, 1995), attached as Exhibit 2 to proposed rule change SR–NASD–96–02, the NASD received three comments which were attached as Exhibit 4 to that proposed rule change. The NASD's statement on the comments received with respect to Notice to Members 95–101 is set forth in SR–NASD–96–02 and was published by the Commission in Securities Exchange Act Release No. 37106 (April 11, 1996), 61 FR 16944 (April 18, 1996). SR–NASD–96–02 proposed certain of the By-Law amendments issued for member vote in Notice to Members 95–101 (December 11, 1995) in order to permit the reorganization of its Board of Governors consistent with the Delegation Plan submitted in SR–NASD–96–16.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD has requested that the Commission find good cause pursuant to Section 19(b)(2) for approving the proposed rule change as further amended by Amendment No. 3 prior to the 30th day after publication in the Federal Register.

IV. Discussion

The Commission finds that the proposed rule change as further amended by Amendment No. 3 is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A of the Act and the rules and regulations thereunder. The Commission believes that the proposed rule change will allow the NASD to carry out the purposes of the Act to

[5] The Delegation Plan does not discuss other wholly owned subsidiary corporations of the NASD, such as, the Securities Dealers Risk Purchasing Group, Inc. and Securities Dealers Insurance Co., Ltd. These and any other wholly owned subsidiaries of the NASD not described in the Delegation Plan do not perform any of the Association's regulatory functions or the operating functions related to the operation of the Nasdaq Stock Market. In addition, the Delegation Plan does not address the NASD's ownership role in corporations such as the National Securities Clearing Corporation or the Depository Trust Company.

[6] The National Nominating Committee is composed of at least six and not more than nine members equally balanced between Industry and Non-Industry Committee Members (including at least two Public Committee Members). Two members of the National Nominating Committee are selected by each of the Subsidiaries and the NASD, of which it is anticipated that at least three will be Non-Industry Members.

[7] 15 U.S.C. 78*o*–3.

comply with, and enforce compliance by its members and associated persons, with the provisions of the Act, the rules and regulations thereunder, and the rules of the NASD. Furthermore, the amendments are designed (with amendments to the NASD By-Laws simultaneously approved in SR–NASD–96–20, as set forth below) to assure a fair representation of the NASD's members, in the selection of its directors and administration of its affairs as well as comply with the public and non-industry participant requirements of the Act. It is envisioned that these rules and any subsequent changes that may be implemented from time-to-time will enable the NASD to better comply with the requirements of Section 15A(b)(2) in particular and the Act in general.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof in that accelerated approval will enhance the NASD's ability to carry out its regulatory obligations under the Act. The Commission believes that the proposed rule change is intended to accomplish certain allocations and delegations of authority necessary to reorganize the NASD, and establish as separate subsidiaries the NASDR and Nasdaq in accordance with the September 1995 recommendations of The Select Committee on Structure and Governance in order to enable the NASD to meet its regulatory and business obligations. The Delegation Plan, which is part of this proposed rule change, sets forth the purpose, functions, governance, procedures, and responsibilities of the NASD, the NASDR and Nasdaq following the reorganization of the NASD. The NASD's Board of Governors, which has been reorganized to be consistent with the proposed rule change, has held meetings to carry out the business of the Association. The subsidiaries also have held meetings of the Board of Directors of NASDR and Nasdaq in order to carry out the business of the subsidiaries during the 90 day period during which the Delegation Plan has been effective.

The proposed rule change, was previously simultaneously published for comment and approved by the Commission on a temporary basis for a period of 120 days in Release 34–37425. The 120 day approval period is scheduled to expire by November 18, 1996. No comment letters concerning the Delegation Plan were received by the Commission. The reorganization of the NASD Board of Governors is also reflected in rule changes to the NASD By-Laws submitted in rule filing SR–NASD–96–20, which also was previously granted temporary approval for 120 days.[8] The Commission is extending its temporary approval of that proposed rule change.[9]

Accordingly, the Commission believes that accelerating the approval of the proposed rule change as further amended by Amendment No. 3 will benefit members and the public interest by fully implementing the reorganization of the NASD and its subsidiaries.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by December 12, 1996.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change SR–NASD–96–29, as amended by Amendment No. 3, be, and hereby is, approved through May 15, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29792 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[8] Securities Exchange Act Release No. 37424 (July 11, 1996), 61 FR 37515 (July 18, 1996).

[9] See Securities Exchange Act Release No. 37956 (November 15, 1996).

[10] 17 CFR 200.30–3(a)(12).

[Release No. 34–37933; File No. SR–Philadep–96–16]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Order Granting Accelerated Approval of a Proposed Rule Change Relating to the Procedures To Establish a Direct Registration System

November 8, 1996.

On October 16, 1996, the Philadelphia Depository Trust Company (''Philadep'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–Philadep–96–16) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On October 17, 1996, Philadep filed an amendment to the proposed rule change.[2] Notice of the proposal was published in the Federal Register on October 30, 1996.[3] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

Philadep's proposed rule change will establish (1) a new service called the Direct Registration System (''DRS'') and (2) a new category of participants whose use of Philadep's services will be limited to DRS.[4] DRS permits an investor to hold a security as the registered owner of the security in book-entry form on the books of the issuer rather than (1) indirectly through a financial intermediary that holds the security in street name or in an account with a depository or (2) in the form of a certificate. An investor will have the right at any time to transfer its DRS position from the issuer to a financial intermediary through the facilities of Philadep in order to sell or pledge the security. Alternatively, an investor will have the right at any time to request a certificate.[5]

The transfer agents of issuers interested in participating in Philadep's

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Letter from J. Keith Kessel, Compliance Officer, Philadep, to Jerry W. Carpenter, Assistant Director, Division of Market Regulation, Commission (October 16, 1996).

[3] Securities Exchange Act Release No. 37858 (October 23, 1996), 61 FR 56079.

[4] For description of The Depository Trust Company's implementation of DRS, refer to Securities Exchange Act Release No. 37931 (November 7, 1996).

[5] For a complete description of DRS, refer to Securities Exchange Act Release No. 35038 (December 1, 1994), 59 FR 63652 (concept release on a transfer agent operated book-entry registration system) and DTC Important Notice B# 1811–96 (October 7, 1996) and Important Notice B# 1841–96 (October 7, 1996), which are attached as Exhibits A and B to Securities Exchange Act Release No. 37800 (October 9, 1996), 61 FR 54473.

DRS must join Philadep as limited participants. In order for transfer agents to participate in this service, they must have certain electronic interfaces with Philadep, commonly known as fully automated securities transfer (''FAST'') interfaces. After a transfer agent has requested that Philadep make an issue DRS eligible, Philadep will add a DRS indicator to its Security Profile On-Line (''SPOL'') system to reflect that the issue is DRS eligible and to notify the respective participants accordingly.

To execute any withdrawal/transfer (''WT'') activity, participants must supply Philadep with an appropriate code specifying a DRS account or a certificate. Absent the proper code, Philadep will not process these requests. Participants must use indicators to operate the automated WT file (1) to register positions on the books of the issuer, (2) to have a physical certificate issued, (3) to indicate that the submitting broker for the WT request is serving in a correspondent capacity (known as third party transfers) and (4) to reverse the prior DRS transaction.

When a transfer agent completes a WT request for a DRS issue, the transfer agent will return the certificate to Philadep according to the standard procedure for securities shipments. If the investor has requested that his position be held on the books of the issuer through DRS, the transfer agent will establish the position, will mail a transaction advice directly to the investor, and will confirm such activities to Philadep. Philadep will confirm to its participant that the account has been established and will provide the date and the DRS account number to such participant.

In the event that an investor wants to sell a DRS position, the transfer agent will provide the appropriate delivery order (''MDO'') instructions and the proper reason code to move the position into the appropriate account at Philadep. If the receiving participant does not recognize the position, it may deliver the position back to the transfer agent's Philadep account. At the end of the processing day, Philadep will reverse the movement and will return all positions. Philadep will produce an activity report for all movements.

II. Discussion

Section 17A(a)(1)(A)[6] of the Act sets forth Congress' findings that the prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors. Section 17A(b)(3)(F) provides that the rules of a clearing agency must be designed to promote the prompt and accurate clearance and settlement of securities transactions.[7]

Currently, individual investors have the option of either holding a physical certificate or allowing broker-dealers to hold the securities for them in street name. Some investors do not want to hold through a broker-dealer because, among other reasons, of possible delays in receiving correspondences from issuers or because of fees that may be incurred by investors who do not make purchases and sales of securities on a regular basis. However, holding a physical certificate may slow or impede an investor's ability to deliver the security after the sale. By providing individual investors that do not want to have broker-dealers hold their securities for them in street name the option of holding in book-entry form on the books of the issuers and to subsequently have such positions transferred electronically to banks or broker-dealers in connection with the sales or other dispositions of the securities, the Commission believes that Philadep's DRS should help promote efficiencies in the prompt and accurate clearance and settlement of securities transactions and is consistent with Philadep's obligations under Section 17A.

Philadep has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication because accelerated approval will allow Philadep to implement its DRS pilot program on its scheduled date of November 11, 1996.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–Philadep–96–16) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–29716 Filed 11–20–96; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. § 78q–1(a)(1)(A) (1988).

[7] 15 U.S.C. § 78q–1(a)(3)(F) (1988).

[8] 17 CFR 200.30–3(a)(12) (1996).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2907; Amendment #1]

Florida; and Contiguous Counties in Georgia; Declaration of Disaster Loan Area

In accordance with a notice from the Federal Emergency Management Agency, dated November 8, 1996, the above-named Declaration is hereby amended to establish the incident period for this disaster as beginning on October 7, 1996 and continuing through October 22, 1996.

All other information remains the same, i.e., the deadline for filing applications for loans for physical damages is December 14, 1996; and for economic injury the deadline is July 15, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 12, 1996.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 96–29702 Filed 11–20–96; 8:45 am]

BILLING CODE 8025–01–P

[Declaration of Disaster Loan Area #2911; Amendment #1]

New Hampshire; Declaration of Disaster Loan Area

In accordance with a notice from the Federal Emergency Management Agency, dated November 12, 1996, the above-named Declaration is hereby amended to establish the incident period as beginning October 20, 1996 and continuing through October 26, 1996.

All other information remains the same, i.e., the termination date for filing applications for loans for physical damages may be filed until the close of business on December 28, 1996, and for loans for economic injury until the close of business on July 29, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 14, 1996.

James Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 96–29703 Filed 11–20–96; 8:45 am]

BILLING CODE 8025–01–P

[Declaration of Disaster Loan Area #2896; Amendment #3]

Puerto Rico; Declaration of Disaster Loan Area

In accordance with a notice from the Federal Emergency Management Agency, dated November 6, 1996, the above-named Declaration is hereby amended to extend the deadline for filing applications for loans for physical damage until November 26, 1996.

All other information remains the same, i.e., the termination date for filing applications for loans for economic injury is June 11, 1997.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 12, 1996.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 96–29704 Filed 11–20–96; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Advisory Council on Transportation Statistics; Meeting

AGENCY: Advisory Council on Transportation Statistics, Bureau of Transportation Statistics.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act (Public Law 72–363; 5 U.S.C. App. 2), notice is hereby given of a meeting of the Bureau of Transportation Statistics (BTS) Advisory Council on Transportation Statistics (ACTS) to be held Tuesday, December 10, 1996, 10:00 to 4:00 pm. The meeting will take place at the U.S. Department of Transportation, 400 7th Street, SW, Washington, DC, in conference room 10234 of the Nassif Building.

The Advisory Council, called for under Section 6007 of Public Law 102–240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include a review of the last meeting, identification of substantive issues, review of plans and schedule, other items of interest, discussion and agreement of date(s) for subsequent meetings, and comments from the floor.

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Carolee Bush, Council Liaison, on (202) 366–6946 prior to December 9. Attendance is open to the interested public but limited to space available. With the approval of the Chair, members of the public may present oral statements at the meeting. Noncommittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Bush.

Members of the public may present a written statement to the Council at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Bush (202) 366–6946 at least seven days prior to the meeting.

Robert A. Knisely,

Executive Director, Advisory Council on Transportation Statistics.

[FR Doc. 96–29801 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–FE–P

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) this notice announces the Department of Transportation's (DOT) intention to request an emergency 90-day processing approval from OMB. This voluntary health questionnaire contains information collections which are subject to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). At the agency's request OMB conducted an emergency review of this information collection as provided by 5 CFR 1320.13. The Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60 day notice in the Federal Register concerning each information collection. To comply with this requirement DOT is publishing a notice of the information collection. As it relates to this information collection comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

ADDRESSES: Comments should be sent to the Office of the Secretary, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590–0002, Attention: Mr. Richard Cronin. Copies of Indoor Air Quality Medical Questionnaire can be obtained from Mr. Richard Cronin at the address above and telephone number shown below.

DATES: Comments on this notice must be received on or before January 21, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Cronin. Telephone: (202) 366–9424.

SUPPLEMENTARY INFORMATION:

Office of the Secretary

Title: Indoor Air Quality Medical Questionnaire.

OMB Control Number: 2105—new.

Type of Request: Emergency processing approval for 90 days.

Affected Entities: 5,500 Occupants of the U.S. Department of Transportation workers in the Nassif Building.

Abstract: The Department of Transportation (DOT) is announcing a 3-year voluntary health questionnaire to conduct surveys to provide medical evaluations of DOT workers in the Nassif Building. Participation is entirely voluntary. Health surveys of the Nassif Building occupants will be conducted to help determine the role that the building conditions play in employees health. In several weeks, a survey will be conducted to establish a baseline of information. The same survey will be conducted again after the cleaning and repair of the building is complete to further identify the link between employees' symptoms and building conditions. The results of the survey will provide updated data on the status of employees' health as it relates to the Nassif Building.

Estimated Total Burden on Respondents: 1,500 hours.

Issued in Washington, DC, on November 18, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–29800 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–62–P

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Requests (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for reinstatement, with change, of a previously approved collection for which approval has expired. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice soliciting comments on following collection of information was published on July 12, 1996 [61 FR 36777].

DATES: Comments must be submitted on or before December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Edward Kosek, (202) 366–2590, and refer to the OMB Control Number.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration (NHTSA)

1. Title: Designation of Agent.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Control Number: 2127–0040.

Form Number: N/A.

Affected Public: Registered Importers of vehicles or parties with contracts with Registered Importers.

Abstract: This collection of information applies to motor vehicle and motor vehicle equipment manufacturers located outside of the United States (foreign manufacturers). Every manufacturer offering a motor vehicle or item of motor vehicle equipment for importation into the United States is statutorily required to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions and requirements may be made for and on behalf of the manufacturer. (49 U.S.C. 30164) These designations are required to be filed with NHTSA.

Need for the Information and Proposed Use: NHTSA needs this information in case it needs to advise a foreign manufacturer of a safety related defect in its products so that the manufacturer can, in turn, notify purchasers and correct the defect. This information also enables NHTSA to serve a foreign manufacturer with all administrative and judicial processes, notices, orders, decisions and requirements.

Estimate of the Total Annual Reporting Burden: NHTSA estimates the total annual burden is 70 hours.

ADDRESS: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention DOT Desk Officer.

Comments are Invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, on November 18, 1996.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 96–29799 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–62–P

White House Commission on Aviation Safety and Security; Open Meeting

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice of meeting.

SUMMARY: The White House Commission on Aviation Safety and Security will hold a meeting to discuss aviation safety and security issues. Part of the meeting is open to the public, and part is not.

DATES: The open part of the meeting will be held on Wednesday, November 20, 1996, from 1:00 PM to 3:00 PM, unless adjourned earlier; the closed part will be held from 3:00 PM to 4:00 PM.

ADDRESSES: The meeting will take place in the Commerce Department Auditorium, 14th Street, between Constitution and Pennsylvania Avenues, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard K. Pemberton, Administrative Officer, Room 6210, GSA Headquarters, 18th & F Streets, NW, Washington, DC 20405; telephone 202–501–3863; telecopier 202–501–6160.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix), DOT gives notice of a meeting of the White House Commission on Aviation Safety and Security (''Commission''). The Commission was established by the President to develop advice and recommendations on ways to improve the level of civil aviation safety and security, both domestically and internationally. The principal purpose of the meeting on November 20 is to take testimony from relatives of persons killed in aviation accidents.

Part of the meeting will be open to the public, the part from 1:00 PM to 3:00 PM. Thereafter, from 3:00 PM to 4:00 PM, the Commission will meet in closed session to receive from the Central Intelligence Agency and the Federal Bureau of Investigation information that is properly classified in the interest of national security; the authority for closing that session of the meeting is Exemption 1 of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(1).

Exceptional circumstances exist for providing less than fifteen days' public notice of this meeting, the circumstances being uncertainty of the availability of the Vice President of the United States, Chair of the Commission. It should also be noted that ample notice of this meeting has been given by other means, and therefore the shortness of this notice is not likely to disadvantage anyone.

Limited seating for the public portion of the meeting is available on a first-come, first-served basis. The public may submit written comments to the Commission at any time; comments should be sent to Mr. Pemberton at the address and telecopier number shown above.

Issued in Washington, DC on November 14, 1996.

Nancy E. McFadden,

General Counsel, Department of Transportation.

[FR Doc. 96–29802 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC approvals and Disapprovals. In October 1996, there were 11 applications approved. Additionally, five approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 49 U.S.C. 40117 (Pub. L. 103–272)

and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: County of Volusia, Daytona Beach, Florida.

Application Number: 96–02–C–00–DAB.

Application Type: Impose and use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue in This Decision: $4,318,671.

Estimated Charge Effective Date: February 1, 2001.

Estimated Charge Expiration Date: February 1, 2005.

Class of Air Carriers not Required to Collect PFC'S: None.

Brief Description of Project Approved for Collection and Use: Terminal facility.

Decision Date: October 4, 1996.

FOR FURTHER INFORMATION CONTACT: Richard M. Owen, Orlando Airports District Office, (407) 648–6586.

Public Agency: City of Boise, Idaho.

Application Number: 96–02–C–00–BOI.

Application Type: Impose and use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue in This Decision: $9,646,000.

Estimated Charge Effective Date: November 1, 1997.

Estimated Charge Expiration Date: October 1, 2000.

Class of Air Carriers not Required to Collect PFC's: Part 135 air taxi/commercial operators who conduct operations in air commerce carrying persons for compensation or hire, except air taxi/commercial operators of public or private charters in aircraft with a seating capacity of 10 or more.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Boise Air Terminal.

Brief Description of Project Approved for Collection and Use: Runway 10L/28R extension, Runway 10R/28L overlay and lighting, Terminal access road improvements.

Decision Date: October 4, 1996.

FOR FURTHER INFORMATION CONTACT: Sandra M. Simmons, Seattle Airports District Office, (206) 227–2656.

Public Agency: Airport Authority of Washoe County, Reno, Nevada.

Application Number: 96–02–U–00–RNO.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue To Be Used: $4,200,000.

Charge Effective Date: January 1, 1994.

Estimated Charge Effective Date: January 1, 1994.

Estimated Charge Expiration Date: May 1, 1999.

Class of Air Carriers not Required to Collect PFC's: No change from previous decision.

Brief Description of Project Approved for use of PFC Revenue: Snow removal equipment, Taxiway B south extension, Perimeter road extension.

Decision Date: October 4, 1996.

FOR FURTHER INFORMATION CONTACT: Joseph Rodriguez, San Francisco Airports District Office, (415) 876–2805.

Public Agency: City of El Paso, Texas.

Application Number: 96–01–C–00–ELP.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $40,271,000.

Estimated Charge Effective Date: January 1, 1997.

Estimated Charge Expiration Date: June 1, 2004.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at El Paso International Airport.

Brief Description of Project Approved for Collection and Use: Terminal renovation project, Reconstruct runway 4/22, Terminal ramp reconstruction, Airfield pavement evaluation study.

Brief Description of Project Approved for Collection: Construct runway 4/22 extension.

Decision Date: October 4, 1996.

FOR FURTHER INFORMATION CONTACT: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

Public Agency: Northwestern Regional Airport Commission, Traverse City, Michigan.

Application Number: 96–01–I–00–TVC.

Application Type: Impose a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $14,846,381.

Estimated Charge Effective Date: January 1, 1997.

Estimated Charge Expiration Date: January 1, 2017.

Classes of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Cherry Capital Airport.

Brief Description of Projects Approved for Collection: Design and construct new airline terminal building, Ramp for new terminal, Taxiway to new terminal.

Decision Date: October 8, 1996.

FOR FURTHER INFORMATION CONTACT: Jon Gilbert, Detroit Airports District Office, (313) 487–7281.

Public Agency: Municipal Airport Authority, Fargo, North Dakota.

Application Number: 96–01–C–00–FAR.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $1,720,410.

Estimated Charge Effective Date: January 1, 1997.

Estimated Charge Expiration Date: February 1, 2000.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Hector International Airport.

Brief Description of Projects Approved for Collection and Use:

Acquire snow removal equipment,
Acquire and install snow removal equipment/security vehicle radio system,
Construct hangar taxiways,
Improve airport security,
Install/modify runway intersection and taxiway signs,
Refurbish rotating beacon,
Construct runway 8/26, stage I,
Construct parallel taxiway, stage I,
Relocate and extend fence,
Construct runway 8/26 and parallel taxiway, stage II,
Construct parallel taxiway, stage II,
Rehabilitate runway 17/35,
Pavement sensors, runways 8/26 and 17/35,
Construct runway 8/26, stage III,
Construct parallel taxiway, stage III,
Install medium intensity taxiway lights, taxiway D,
General aviation apron and connecting taxiways, phase I,
Vehicle access road, phase I,

Install security fencing,
General aviation apron and connecting taxiways, phase II,
Vehicle access road, phase II,
Construct general aviation taxilanes, phase I,
Construct general aviation taxilanes, phase II,
Rehabilitate runway 13/31,
Rehabilitate taxiway A shoulders,
Surface drainage, runway 17/35,
Construct service road,
PFC development costs.

Brief Description of Project Approved for Collection: Install box culvert in County drain 10.

Decision Date: October 8, 1996.

FOR FURTHER INFORMATION CONTACT: Irene Porter, Bismarck Airports District Office, (701) 250–4385.

Public Agency: Akron Canton Regional Airport Authority Board, Akron, Ohio.

Application Number: 96–02–C–00–CAK.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue in This Decision: $1,764,490.

Estimated Charge Effective Date: November 1, 1996.

Estimated Charge Expiration Date: October 1, 1999.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Akron-Canton Regional Airport.

Brief Description of Projects Approved for Collection and Use:
Land acquisition—Kelby,
Land acquisition—Cueto,
Land acquisition—Dailey,
Land acquisition—Central Allied,
Land acquisition—Wilken,
Runway 19 approach clearing and grubbing,
Heavy duty runway snow broom,
Security identification display area positive access control system,
Perimeter security fence and gate,
Design of airfield improvements,
Airfield signage upgrade installation,
Runway 1/19 high intensity runway lighting installation,
Access taxiway overlay to southwest general aviation area,
South apron rehabilitation,
Ground/runup noise study,
Part 150 noise study/master plan update,
High speed rotary snow blower,
Runway 1/19 environmental assessment,
Taxiway C overlay/[runway] 5/23 joint rehabilitation,
Airfield drainage study/design,
Snow plow truck,
Snow removal tractor,
Passenger lift,
Runway surface condition sensors,
Extended runway safety area grading runway 14,
Stormwater management,
Snow removal equipment maintenance storage facility.

Decision Date: October 21, 1996.

FOR FURTHER INFORMATION CONTACT: Lawrence C. King, Detroit Airports District Office, (313) 487–7293.

Public Agency: City of Dayton, Ohio.

Application Number: 96–03–U–00–DAY.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue To Be Used: $24,363,804.

Charge Effective Date: October 1, 1994.

Estimated Charge Expiration Date: April 1, 2011.

Class of Air Carriers not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use of PFC Revenue: Central aircraft deicing area.

Decision Date: October 21, 1996.

FOR FURTHER INFORMATION CONTACT: Lawrence C. King, Detroit Airports District Office, (313) 487–7293.

Public Agency: Port of Portland, Portland, Oregon.

Application Number: 96–03–C–00–PDX.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved net PFC Revenue in This Decision: $55,522,000.

Estimated Charge Effective Date: September 1, 1999.

Estimated Charge Expiration Date: April 1, 2002.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Portland International Airport.

Brief Description of Projects Approved for Collection and Use: Terminal roadway program,

Runway 10R/28L (south) rehabilitation.

Brief Description of Disapproved Project: Federal Inspection Station (FIS) expansion.

Determination: Disapproved. The Port of Portland did not provide adequate documentation of current capacity constraints or future demand which would necessitate an expansion of the FIS facilities. Nor did the Port of Portland provide any information as to why the existing facility was inadequate to meet current and future demand. Therefore, the FAA has determined that the project is not adequately justified and is disapproving the project.

Decision Date: October 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Vargas, Seattle Airports District Office, (206) 227–2660.

Public Agency: Port of Portland, Portland, Oregon.

Application Number: 96–04–U–00–PDX.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total Approved net PFC Revenue To Be Used: $203,000.

Charge Effective Date: November 1, 1994.

Estimated Charge Expiration Date: April 1, 2002.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use of PFC Revenue: Taxiway T NE strengthening.

Decision Date: October 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Vargas, Seattle Airports District Office, (206) 227–2660.

Public Agency: Tulsa International Airports Trust, Tulsa, Oklahoma.

Application Number: 96–03–C–00–TUL.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue in This Decision: $12,206,000.

Estimated Charge Effective Date: January 1, 1997.

Estimated Charge Expiration Date: August 1, 1999.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Stormwater drainage improvements,
Deicing fluid treatment area,
North sanitary sewer installation,
Public access/perimeter roadway improvements,
Taxiway Juliet rehabilitation and taxiway lighting improvements and airfield surface movement guidance and control system lighting,
Terminal building heating, ventilation, and air conditioning, sewer, and electrical service improvements.

Decision Date: October 25, 1996.

FOR FURTHER INFORMATION CONTACT: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

Public Agency: Blair County Airport Authority, Altoona, Pennsylvania.

Application Number: 96–02–C–00–AOO.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total Approved Net PFC Revenue in This Decision: $144,620.

Estimated Charge Effective Date: January 1, 1997.

Estimated Charge Expiration Date: December 1, 1999.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved for Use: Acquire runway protection zone phase I—70± acres, Conduct environmental assessment for runway 12/30 extension.

Brief Description of Projects Approved for Collection and Use:

Prepare PFC application,

Construct of snow removal equipment storage building and electrical vault room with equipment,

Airport roadway and terminal building access improvements,

Upgrade airfield signage,

High intensity runway lighting system for runway 2/20.

Brief Description of Project Approved for Collection: Construction of deicing pad.

Brief Description of Withdrawn Project: Design runway 12/30 extension.

Determination: This project was withdrawn from the application by the public agency by letter dated August 16, 1996.

Decision Date: October 31, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. L.W. Walsh, Harrisburg Airports District Office, (717) 782–4548.

Amendments to PFC Approvals:

Amendment No. city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge expiration date	Amended estimated charge expiration date
93–01–I–02–ALB/95–02–U–01–ALB, Albany, NY	06/12/96	$40,706,674	$104,968,211	04/01/05	01/01/23
93–02–C–02–GPT, Gulfport, MS	07/31/96	654,952	698,989	09/01/97	09/01/97
93–01–C–01–MSN, Madison, WI	09/17/96	6,746,000	5,175,000	03/01/98	04/01/97
93–01–C–01–LAN, Lansing, MI	10/01/96	7,355,483	5,228,876	03/01/02	06/01/99
94–02–C–01–DAY, Dayton, OH	10/21/96	23,467,251	34,742,669	10/01/01	03/01/05

Issued in Washington, D.C. on November 12, 1996.

Joseph M. Hebert,

Acting Manager, Passenger Facility Charge Branch.

[FR Doc. 96–29824 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Boston Logan International Airport, Boston, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge at Boston Logan International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before December 23, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airport Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Stephen P. Tocco, CEO/Executive Director, Massachusetts Port Authority at the following address: Massachusetts Port Authority, 10 Park Plaza, Boston, Massachusetts, 02116.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Massachusetts Port Authority under section 158.23 of Part 158 of the Federal Aviation Regulations.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Scott, PFC Program Manager, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803, (617) 238–7614. The application may be reviewed in person at 16 New England Executive Park, Burlington, Massachusetts.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge (PFC) at Boston Logan International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On October 18, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Massachusetts Port Authority was substantially complete within the requirements of § 158.25 of Part 158 of the Federal Aviation Regulations. The FAA will approve or disapprove the application, in whole or in part, no later than January 18, 1997.

The following is a brief overview of the impose and use application.

PFC Project #: 96–02–C–00–BOS

Level of proposed PFC: $3.00

Charge effective date: November 1, 1993

Estimated charge expiration date: August 31, 2012

Estimated total net PFC revenue: $705,128,000

Brief description of project:

Use only Projects;

Residential Sound Insulation

Terminal E Modernization

Reconstruction and Construction of Circulating Roadway

Impose and Use Projects:

Construction of Elevated Walkways

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Massachusetts Port Authority, 10 Park Plaza, Boston, Massachusetts, 02116.

Issued in Burlington, Massachusetts on November 7, 1996.

Bradley A. Davis,

Assistant Manager, Airports Division New England Region.

[FR Doc. 96–29817 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. Application numbers with the suffix ''P'' denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before December 6, 1996.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street SW, Washington, DC.

Application No.	Applicant	Renewal of exemption
6971–M	Chem Service, Inc., West Chester, PA (See Footnote 1)	6971
10741–M	Northern Natural Gas Co., West Des Moines, IA (See Footnote 2)	10741
11447–M	Saes Pure Gas, Inc., San Luis Oblispo, CA (See Footnote 3)	11447
11506–M	OEA, Inc., Denver, CO (See Footnote 4)	11506
11650–M	Morton International Inc., Ogden, UT (See Footnote 5)	11650
11660–M	Olsen Tuckpointing Co. Rolling Meadows, IL (See Footnote 6)	11660

(1) To modify exemption to authorize shipment of certain hazardous materials which exceed the quantities authorized under 173.4 and to authorize the return shipment of unused chemicals from customers as essentially non-regulated.
(2) To modify the exemption to provide for additional size non-DOT specification cylinders for use in transporting compressed natural gas.
(3) To modify the exemption to authorize cargo vessel as an additional mode of transportation.
(4) To modify the exemption to provide for additional size non-DOT specification cylinders for use as components of airbags.
(5) To reissue exemption originally issued on an emergency basis to authorize the transportation of non-DOT specification non-refillable cylinders charged with pyrotechnic initiating device classed as igniters, Division 1.4G and modify to remove quantity limitations.
(6) To reissue the exemption originally issued on an emergency basis to authorize the transportation of non-DOT specification cargo tanks containing Class 8 material.

Application	Applicant	Parties to exemption
3549–P	Lawrence Livermore National Laboratory, Livermore, CA	3549
4453–P	Tri-State Motor Transit Co., Joplin, MO	4453
4588–P	EG&G Mound Applied Technologies, Inc., Miamisburg, OH	4588
6658–P	Lawrence Livermore National Laboratory, Livermore, CA	6658
6658–P	EG&G Mound Applied Technologies, Inc., Miamisburg, OH	6658
6670–P	Airgas, Inc.—Cryodyne Division, Chester, CT	6670
7269–P	Lawrence Livermore National Laboratory, Livermore, CA	7269
7269–P	EG&G Mound Applied Technologies, Inc., Miamisburg, OH	7269
8451–P	Westinghouse Savannah River Company, Aiken, SC	8451
8451–P	PyroLabs, Inc., Whitewater, CO	8451
8453–P	Tri-State Motor Transit Co., Joplin, MO	8453
8554–P	Tri-State Motor Transit Co., Joplin, MO	8554
8723–P	Tri-State Motor Transit Co., Joplin, MO	8723
8748–P	Los Alamos National Laboratory, Los Alamos, NM	8748
9723–P	EnviroChem Services, L.C., Orem, UT	9723
9723–P	Eldredge, Inc., West Chester, PA	9723
9769–P	Eldredge, Inc., West Chester, PA	9769
9769–P	Tri-S, Inc., Ellington, CT	9769
9769–P	Allwaste Environmental Services, Inc., San Martin, CA	9769
10001–P	Roberts Oxygen Company, Inc., Rockville, MD	10001
10114–P	Delta Air Lines, Inc., Atlanta, GA	10114
10298–P	Hondu Carib Cargo, Inc., Fairbanks, AK	10298
10441–P	Allwaste Environmental Services, Inc., San Martin, CA	10441
10441–P	Eldredge, Inc., West Chester, PA	10441
10441–P	Tri–S, Inc., Ellington, CT	10441
10441–P	ROMIC Environmental Technologies Corporation, East Palo Alto, CA	10441
10441–P	MSE Environmental, Inc., Camarillo, CA	10441

Application	Applicant	Parties to exemption
10536–P	Lawrence Livermore National Laboratory, Livermore, CA	10536
10594–P	Mountain Environmental, Inc., Dolores, CO	10594
10594–P	AFFTREX, LTD., Clairton, PA	10594
10594–P	Crowley Construction, Inc., Monticello, UT	10594
10594–P	Mountain Region Corporation, Grand Junction, CO	10594
10594–P	OHM Remediation Services Corp., Monticello, UT	10594
10594–P	Wastren–Grand Junction, Grand Junction, CO	10594
10594–P	MACTEC Environmental Restoration Services, LLC, Grand Junction, CO	10594
10789–P	C&L Aqua Professionals, Sulphur, LA	10789
10885–P	Lawrence Livermore National Laboratory, Livermore, CA	10885
10933–P	Lawrence Livermore National Laboratory, Livermore, CA	10933
10933–P	Allwaste Environmental Services, Inc., San Martin, CA	10933
10949–P	Safeway Chemical Transportation, Inc., Wilmington, DE	10949
10949–P	Allwaste Environmental Services, Inc., San Martin, CA	10949
10981–P	Austin Powder Company, Cleveland, OH	10981
10987–P	Scott Specialty Gases, Inc., Plumsteadville, PA	10987
11043–P	Tri-S, Inc., Ellington, CT	11043
11043–P	Allwaste Environmental Services, Inc., San Martin, CA	11043
11153–P	Allwaste Environmental Services, Inc., San Martin, CA	11153
11197–P	Varian Associates, Inc., Palo Alto, CA	11197
11197–P	Rho-Chem, Incorporated, Inglewood, CA	11197
11197–P	Chemical Reclamation Services, Avalon, TX	11197
11197–P	Solvent Recovery Corporation, Kansas City, MO	11197
11207–P	Panhandle Eastern Pipe Line Company, Houston, TX	11207
11207–P	Texas Eastern Transmission Corporation, Houston, TX	11207
11207–P	Trunkline Gas Company, Houston, TX	11207
11207–P	Algonquin Energy, Inc., Boston, MA	11207
11294–P	Allwaste Environmental Services, Inc., San Martin, CA	11294
11296–P	Pollution Control Industries, Inc., East Chicago, IN	11296
11296–P	ROMIC Environmental Technologies Corporation, East Palo Alto, CA	11296
11296–P	MSE Environmental, Inc., Camarillo, CA	11296
11356–P	W. C. Richards Company, Blue Island, IL	11356
11373–P	Callaway Chemical Company, Smyrna, GA	11373
11602–P	Jay Metals, Inc., Lorain, OH	11602
11602–P	J. Kuhl Metals Co., Inc., Harrison, NJ	11602
11602–P	International Extrusion Corporation-Texas, Waxahachie, TX	11602
11602–P	EPP-MAR Metal Company, Evanston, IL	11602
11602–P	Thorock Metals, Inc., Compton, CA	11602
11602–P	Beck Aluminum Corp., Cleveland, OH	11602
11602–P	National Metals, Inc., Leeds, AL	11602
11602–P	Keystone Aluminum, Inc., Mars, PA	11602
11624–P	Allwaste Environmental Services, Inc., San Martin, CA	11624
11624–P	ENSCO, Inc., dba Division Transport, El Dorado, AR	11624
11624–P	Dart Trucking Company, Inc., Canfield, OH	11624
11624–P	MSE Environmental, Inc., Camarillo, CA	11624
11650–P	Morton International—Automotive Safety Products, Brigham City, UT	11650
11666–P	The Carbide/Graphite Group, Inc., Pittsburgh, PA	11666
11753–P	Olin Corporation, Norwalk, CT	11753
11753–P	General Chemical Corporation, Parsippany, NJ	11753

This notice of receipt of applications for modification of exemptions and for party to an exemption is published in accordance with Part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 14, 1996.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 96–29744 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–60–M

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before December 23, 1996.

ADDRESS COMMENTS TO: Docket Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the application are available for inspection in the Dockets Unit, Room 8426, Nassif Building, 400 7th Street, SW, Washington, DC.

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 15, 1996.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11777–N	Morton International, Automotive Safety Products Ogden, UT.	49 CFR 173.301(h), 173.302, 173.306(d)(3).	To authorize the transportation in commerce of certain cartridges, power devices classed as Division 1.4S and airbag inflators or airbag modules classed as Division 4.1 or Class 9 exempt from the marking and labelling requirements. (modes 1, 4)
11778–N	National Aeronautics & Space Administration (NASA), Washington, DC.	49 CFR 173.304(a)(2)	To authorize the transportation in commerce of the Faint Object Spectrograph, which contains compressed and liquidified gases in non-DOT specification containers. (modes 1, 4)
11779–N	Columbia Helicopters, Inc., Portland, OR.	49 CFR 173.202, 173.24(c)	To authorize the transportation in commerce of gasoline, Class 3, in UL approved non-bulk polyethylene containers in support of log-cutting operation. (mode 1)
11780–N	Hewlett-Packard Co., Washington, DC.	49 CFR 173.304(a)(2), 175.3	To authorize the transportation in commerce of certain x-ray systems containing sulfur hexafluoride, Division 2.2. (modes 1, 2, 3, 4, 5)
11781–N	USA Jet Airlines, Belleville, MI	49 CFR 171.11, 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize the transportation in commerce of Class 1 explosives that are not permitted for shipment by air or in quantities greater than those prescribed. (mode 4)
11782–N	Aeronex, Inc., San Diego, CA	49 CFR 173.212	To authorize the transportation in commerce of non-specification cylinders constructed of 316L stainless steel for use in transporting a Division 4.2 material. (mode 1)
11786–N	Dow Corning Corp. Midland, MI.	49 CFR 174.67(i) & (j)	To authorize tank cars to remain connected during unloading of various hazardous materials without the physical presence of an unloader. (mode 2)

[FR Doc. 96–29745 Filed 11–20–96; 8:45 am]

BILLING CODE 4910–60–M

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Steptoe & Johnson on behalf of Koch Pipeline Company (WB511–11/8/96), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927–6196.

Vernon A. Williams,

Secretary.

[FR Doc. 96–29776 Filed 11–20–96; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 96–79]

Announcement of Suspension of Collection of Special Tonnage Taxes and Light Money Upon Entry Into the United States of Vessels of Ukraine

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice announces that the United States has determined that the Government of Ukraine has ceased discriminating against vessels of the United States in the collection of certain fees and taxes from such vessels which enter that country. As a consequence, it has become possible to suspend the collection of special tonnage taxes and light money from vessels of Ukraine upon entering United States ports.

EFFECTIVE DATE: The change discussed in this notice became effective on November 14, 1996.

FOR FURTHER INFORMATION CONTACT: Larry L. Burton, Office of Regulations and Rulings (202) 482–7040.

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton denominated ''light money'', on all foreign vessels which enter United States ports (46 U.S.C. App. 121 and 128). Vessels of a foreign nation may, however, be exempted from the payment of such special tonnage taxes and light money upon presentation of satisfactory proof that no discriminatory duties of tonnage or impost are imposed by that foreign nation on United States vessels or their cargoes (46 U.S.C. App. 141). The list of nations whose vessels have been found to be reciprocally exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money is found at § 4.22, Customs Regulations (19 CFR 4.22). Nations granted these commercial privileges that subsequently impose discriminatory duties are subject to retaliatory suspension of the commercial privileges (46 U.S.C. App. 141 and 142).

The list of countries in 19 CFR 4.22 is compiled as the result of international agreements between the United States and the governments of those nations listed. Customs either adds or deletes

the names of countries only upon the request of the Department of State. The present list includes the former Union of Soviet Socialist Republics (USSR) and, following the dissolution of that country, Customs was guided by a policy determination of the Department of State which holds that absent a separate agreement to the contrary, the states emerging from the break-up of the USSR take the same rights and obligations as existed for the USSR.

By a letter received on September 16, 1996, Customs was informed by the Department of State that the Government of Ukraine was assessing discriminatory tonnage fees against vessels of the United States which enter at Ukrainian ports. As a consequence, the Department of State requested that action be taken to end the exemption from the assessment of special tonnage taxes and light money extended to Ukrainian vessels entering United States ports. Normally, Customs would be supplied with the names of countries to add to or delete from the regulatory list, but since discussion with other former Soviet states was on-going, it was determined to issue a non-amendatory notice by which to limit the exemption privilege by excluding Ukraine. The Department of State informed Customs that upon the conclusion of necessary discussions, Customs would be formally requested to add the names of certain countries to 19 CFR 4.22, and to delete the USSR from the regulation.

Therefore, effective immediately upon publication of a September 26, 1996, General Notice, vessels of Ukraine entering ports of the United States were no longer exempted from the assessment of special tonnage taxes and light money. Special tonnage taxes and light money in the amounts authorized under law were collected on all such vessels.

Customs has now been informed by the Department of State that appropriate written assurances have been supplied by the Government of Ukraine, indicating that vessels of the United States will be accorded the treatment called for under the Maritime Agreement which expired in December of 1995. Accordingly, it has been requested by the Department of State that for a period of thirty days from the date of notification to the Customs Service, vessels of Ukraine have restored to them the statutory exemption from the collection of special tonnage taxes and light money.

Therefore, effective immediately upon publication of this General Notice, and for a period of thirty calendar days which will expire on December 14, 1996, vessels documented under the laws of Ukraine are exempted from the collection of special tonnage taxes and light money.

Dated: November 15, 1996.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings

[FR Doc. 96–29774 Filed 11–20–96; 8:45 am]

BILLING CODE 4820–02–P

Office of Thrift Supervision

[AC–53; OTS No. 5120]

First Federal Savings Bank of America, Fall River, MA; Approval of Conversion Application

Notice is hereby given that on November 12, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of First Federal Savings Bank of America, Fall River, Massachusetts, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: November 15, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 96–29720 Filed 11–20–96; 8:45 am]

BILLING CODE 6720–01–M

[AC–52; OTS No. 2897]

Investors Federal Bank and Savings Association, Chillicothe, MO; Approval of Conversion Application

Notice is hereby given that on November 8, 1996, the Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Investors Federal Bank and Savings Association, Chillicothe, Missouri, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039–2010.

Dated: November 15, 1996.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 96–29719 Filed 11–20–96; 8:45 am]

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Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 67

Special Insurance of Third-Class Airman Medical Certificates to Insulin-Treated Diabetic Airman Applicants; Policy Statement; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 67

[Docket No. 26493]

RIN 2120–AG30

Special Issuance of Third-Class Airman Medical Certificates to Insulin-Treated Diabetic Airman Applicants

AGENCY: Federal Aviation Administration, DOT.

ACTION: Policy statement.

SUMMARY: This document announces the new policy of the Federal Aviation Administration (FAA) regarding individuals with insulin-treated diabetes mellitus (ITDM) who apply for airman medical certification. It also addresses comments received concerning this policy as requested in a December 1994 Federal Register notice. The new policy will permit special issuance of third-class airman medical certificates to certain ITDM individuals who meet selection criteria and who successfully comply with an FAA-approved monitoring protocol.

EFFECTIVE DATE: December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Tina Lombard, Program Analyst; Aeromedical Standards Branch (AAM–210); Office of Aviation Medicine; Federal Aviation Administration, 800 Independence Avenue, SW.; Washington, DC 20591; telephone (202) 267–9655; telefax (202) 267–5399.

SUPPLEMENTARY INFORMATION:

Background

In late 1994, the FAA published a notice in the Federal Register (59 FR 67246, December 29, 1994) of its intent to consider a policy change concerning ITDM individuals who apply for airman medical certificates. The FAA opened docket no. 26493 and invited comment to it on a medical evaluation and monitoring protocol for possible use as the basis of a policy change that would permit certain insulin-using diabetic individuals to receive special issuance of airman medical certificates. The 90-day comment period on this proposed policy closed on March 29, 1995. This document responds to the comments received from the 1994 notice and to the comments from a 1991 petition of the American Diabetes Association (ADA). This document also states the policy of the Federal Air Surgeon concerning the special issuance of medical certificates to diabetic airman applicants.

Part 67 of Title 14 of the Code of Federal Regulations (CFR) (14 CFR part 67) details the standards for the three classes of airman medical certificate. A first-class medical certificate is required to exercise the privileges of an airline transport pilot certificate, while a second- and third-class medical certificate is required to exercise the privileges of a commercial pilot and private pilot certificate, respectively. An airman applicant who is found to meet the appropriate medical standards, based on medical examination and evaluation of the individual's history and condition, is entitled to a medical certificate without restrictions other than the limit of its duration prescribed in the regulations. Paragraph (a) of §§ 67.113, 67.213, and 67.313 of part 67 sets forth the standards for determining an individual's eligibility for first-, second-, or third-class medical certification based on a medical history or clinical diagnosis of diabetes mellitus. An individual with diabetes using oral hypoglycemic drugs or insulin for control is not eligible for medical certification under these standards.

Under § 67.401, Special Issue of Medical Certificates, the Federal Air Surgeon has the discretion to issue a medical certificate to an individual who does not meet the applicable provisions of subparts B, C, or D of part 67. The Federal Air Surgeon considers relevant factors on a case-by-case basis to determine whether the individual's medical conditions, medication, or other treatment is consistent with aviation safety and will permit special issuance of a medical certificate. The Federal Air Surgeon may authorize a special medical flight test, practical test, or medical evaluation to ensure that the duties authorized by the class of medical certificate applied for can be performed without endangering air commerce during the period in which the certificate would be in force. In determining whether the special issuance of a third-class medical certificate should be made to an applicant, the Federal Air Surgeon considers the freedom of an airman, exercising the privileges of a private pilot certificate, to accept reasonable risks to his or her person and property that are not acceptable in the exercise of commercial or airline transport pilot privileges, and, at the same time, considers the need to protect the public safety of persons and property in other aircraft and on the ground. Special issuance of a medical certificate may impose conditions and limitations on an individual to ensure safety. These conditions may include limiting the duration of a certificate, operational and/or functional limitations, and the results of subsequent medical evaluations.

In the late 1980's, the FAA began to grant special issuance of medical certificates to individuals who controlled their diabetes with diet and oral hypoglycemic drugs. It has been, however, the long-standing policy of the Federal Air Surgeon not to consider an individual for special issuance of a medical certificate where the individual has a clinical diagnosis of insulin-treated diabetes mellitus.

This policy was based on concerns about the long-term medical risks associated with diabetes, including cardiovascular, neurological, ophthalmological, and renal pathologies. Of even greater concern, especially in the aviation environment, was the immediate risk posed by hypoglycemia or low blood glucose. Every diabetic is at some risk for hypoglycemia which can produce impaired cognitive function, seizures, unconsciousness, and death. Moreover, functional incapacitation associated with hypoglycemia may occur insidiously and may not be recognized by the diabetic or by other observers. Diabetics using insulin are at greater risk for hypoglycemia than those treated by diet or oral hypoglycemic agents.

The FAA has continued to review its policy of not granting special issuance of medical certificates to ITDM individuals. In 1992, the FAA instituted a program to permit, in select cases, ITDM air traffic control specialists (ATCS) to continue their safety-related duties. These ATCS's are individually evaluated and, if appropriate, returned to duty with intensive monitoring under a special medical protocol.

The protocol implemented for ATCS's with ITDM was developed by a panel of distinguished endocrinologists at the request of the Federal Air Surgeon and includes careful evaluation of the individual's medical history, risk stratification, and the efficacy of his or her efforts to control the disease. Those determined acceptable by the FAA to perform air traffic control duties are monitored by frequent blood glucose measurements while on duty. In addition, the blood glucose level is maintained somewhat higher than usual to prevent or reduce the likelihood of incapacitating hypoglycemia. The protocol also requires close supervision and prohibits solo duty.

In February 1991, the ADA petitioned the FAA to amend its policy to permit ITDM individuals to be issued airman medical certificates on a case-by-case basis. The petition was published in the Federal Register (56 FR 10383, March

12, 1991). The ADA further requested the creation of an FAA-appointed medical task force to develop a medical protocol capable of permitting case-by-case review.

In view of its ongoing success with ATCS's, the FAA reviewed its experience and collected data and presented them to the same panel of distinguished endocrinologists for its consideration and recommendations. A new, modified protocol was proposed by the panel for possible use as the basis for a change in the current special issuance policy regarding ITDM airman applicants.

Policy Statements

After careful consideration of the (1) comments to Docket No. 26493, Policy Concerning the Special Issuance of Medical Certificates to Diabetic Airman Applicants; Request for comments; (2) comments to the 1991 petition by the American Diabetes Association (56 FR 10383, March 12, 1991); (3) monitoring experience of the FAA medical waiver program for ATCS's with ITDM; (4) medical advances in the treatment of diabetes; and (5) evaluation of the proposed medical protocol, the Federal Air Surgeon has determined that selected ITDM individuals can be considered for special issuance of an airman medical certificate under the conditions of the evaluation and monitoring protocol with the following restrictions:

(1) ITDM individuals may be issued only a third-class airman medical certificate.

(2) ITDM individuals may exercise only the privileges of a student, recreational, or private pilot certificate.

(3) ITDM individuals are prohibited from operating an aircraft as a required crewmember on any flight outside the airspace of the United States of America.

(4) ITDM individuals are required to be in compliance with the monitoring requirements of the following protocol while exercising the privileges of a third-class airman medical certificate:

I. Initial Evaluation of Individuals With Insulin-Treated Diabetes Mellitus

A. Individuals with ITDM who have no otherwise disqualifying conditions, especially significant diabetes-related complications such as arteriosclerotic coronary or cerebral disease, retinal disease, or chronic renal failure, will be evaluated for special issuance of a third-class medical certificate if they:

1. Have had no recurrent (two or more) hypoglycemic reactions resulting in a loss of consciousness or seizure within the past 5 years. A period of 1 year of demonstrated stability is required following the first episode of hypoglycemia; and

2. Have had no recurrent hypoglycemic reactions requiring intervention by another party within the past 5 years. A period of 1 year of demonstrated stability is required following the first episode of hypoglycemia; and

3. Have had no recurrent hypoglycemic reactions resulting in impaired cognitive function which occurred without warning symptoms within the past 5 years. A period of 1 year of demonstrated stability is required following the first episode of hypoglycemia.

B. In order to provide an adequate basis for an individual medical determination, the person with ITDM seeking special issuance of a medical certificate must submit the following to: Federal Aviation Administration, Civil Aeromedical Institute, AAM–310, 6500 South MacArthur, Oklahoma City, OK 73125.

1. Copies of all medical records concerning the individual's diabetes diagnosis and disease history and copies of all hospital records, if admitted for any diabetes-related cause, including accidents and injuries.

2. Copies of complete reports of any incidents or accidents, particularly involving moving vehicles, whether or not the event resulted in injury or property damage, if due in part or totally to diabetes;

3. Results of a complete medical evaluation by an endocrinologist or other diabetes specialist physician acceptable to the Federal Air Surgeon (hereafter referred to as ''specialist''). This report should detail the individual's complete medical history and current medical condition. The report must include a general physical examination and, at a minimum, the following information:

(a) Two measurements of glycated hemoglobin (total A1 or A1C concentration and the laboratory reference normal range), the first at least 90 days prior to the current measurement;

(b) A detailed report of the individual's insulin dosages (including types) and diet utilized for glucose control;

(c) Appropriate examinations and tests to detect any peripheral neuropathy or circulatory insufficiency of the extremities;

(d) Confirmation by an ophthalmologist of the absence of clinically significant eye disease. The eye examination should assess, at a minimum, visual acuity, ocular tension, and presence of lenticular opacities, if any, and include a careful examination of the retina for evidence of any diabetic retinopathy or macular edema. The presence of microaneurysms, exudates, or other findings of background retinopathy, by themselves, are not sufficient grounds for disqualification unless it prevents the subject from meeting visual standards. However, individuals with active proliferative retinopathy or vitreous hemorrhages will not be considered for special issuance of a medical certificate until the condition has stabilized and this has been confirmed by an ophthalmologist; and

4. Verification by a specialist that the individual has been educated in diabetes and its control and has been thoroughly informed of and understands the monitoring and management procedures for the condition and the actions that should be followed if complications of diabetes, including hypoglycemia, should arise. Such verification should also contain the specialist's evaluation as to whether the individual has the ability and willingness to properly monitor and manage his or her diabetes and whether diabetes will adversely affect his or her ability to safely control an aircraft. The presence or absence of recurrent severe hypoglycemia and hypoglycemia unawareness should be noted. (See I.A. 1., 2. and 3 above.)

C. The ITDM individual applying for special issuance of a medical certificate should have been receiving appropriate insulin treatment for at least 6 months prior to submitting a request for special issuance of a medical certificate.

D. Special medical flight test. If the Federal Air Surgeon determines that there is need for an ITDM applicant to demonstrate his or her ability to comply with the medical protocol, the Federal Air Surgeon, under the provisions of § 67.401, may require a special medical examination and/or medical flight test prior to a determination of the applicant's eligibility for special issuance of a medical certificate.

II. Guidelines for Individuals With ITDM Who Have Been Granted Special Issuance of Airman Medical Certificates

A. Individuals with ITDM who are granted special issuance of third-class airman medical certificates must:

1. Submit to a medical evaluation by a specialist every 3 months. This evaluation must include a general physical examination and a report of glycated hemoglobin (total A1 or A1C) concentration. This evaluation shall also contain an assessment of the

individual's continued ability and willingness to monitor and manage properly his or her diabetes and of whether the individual's diabetes or its complications could reasonably be expected to adversely affect his or her ability to safety control an aircraft.

2. Carry and use a digital whole blood glucose measuring device with memory that is acceptable to the FAA. Provide records of all daily blood glucose measurements for review by the specialist at each 3-month evaluation required above and, if required, to the FAA at any time.

3. Provide to the FAA, on an annual basis, written confirmation by a specialist that the individual's diabetes remains under control and without significant complications and that he or she has demonstrated reasonable accuracy and recordation of his or her blood glucose measurements with the above described device.

4. Provide to the FAA, on an annual basis, confirmation by an ophthalmologist of the absence of clinically significant disease that would prevent the individual from meeting current visual standards.

5. Provide to the FAA, immediately, a written report of any episode of hypoglycemia associated with cognitive impairment, whether or not it resulted in an accident or adverse event.

6. Provide a written report to the FAA, immediately, of involvement in any accidents, including those involving aircraft and motor vehicles, or other significant adverse events, whether or not they are believed related to an episode of hypoglycemia.

7. Provide to the FAA, immediately upon determination by a specialist or other physician, any evidence of loss of diabetes control, significant complications, or inability to manage the diabetes. In such a case, the individual shall cease exercising the privileges of his or her airman certificate until again cleared medically by the FAA.

III. Glucose Management Prior to Flight, During Flight, and Prior to Landing

A. Individuals with ITDM shall maintain appropriate medical supplies for glucose management at all times while preparing for flight and while acting as pilot-in-command (or other flightcrew member). At a minimum, such supplies shall include:

1. An FAA-acceptable whole blood digital glucose monitor with memory;

2. Supplies needed to obtain adequate blood samples and to measure whole blood glucose; and

3. An amount of rapidly absorbable glucose, in 10 gram (gm) portions, appropriate to the potential duration of the flight.

B. All disposable supplies listed above must be within their expiration dates.

C. The individual with ITDM, acting as pilot-in-command or other flightcrew member, shall establish and document a blood glucose concentration equal to or greater than 100 milligrams/deciliter (mg/dl) but not greater than 300 mg/dl within ½ hour prior to takeoff. During flight, the individual with ITDM shall monitor his or her blood glucose concentration at hourly intervals and within ½ hour prior to landing. If a blood glucose concentration range of 100–300 mg/dl in not maintained, the following action shall be taken:

1. Prior to flight. The individual with ITDM shall test and record his or her blood glucose concentration within ½ hour prior to takeoff. If blood glucose measures less than 100 mg/dl, the individual shall ingest an appropriate 10 gm glucose snack (minimum 10 gm) and recheck and document blood glucose concentration after ½ hour. This process shall be repeated until blood glucose concentration is in the 100–300 mg/dl range. If blood glucose concentration measures greater than 300 mg/dl, the individual shall follow his or her regimen of blood glucose control, as provided to the FAA by his or her attending physician, until the measurement of blood glucose concentration permits adherence to this protocol.

2. During flight.

(a) One hour into the flight, at each successive hour of flight, and within ½ hour prior to landing, the individual shall measure and document his or her blood glucose concentration. Listed below are blood glucose concentration ranges and the actions to be taken when they occur during flight:

(1) Less than 100 mg/dl: The individual shall ingest a 20 gm glucose snack and recheck and document his or her blood glucose concentration after 1 hour.

(2) 100–300 mg/dl: The individual may continue his or her flight as planned.

(3) Greater than 300 mg/dl: The individual shall land as soon as practicable at the nearest suitable airport.

(b) The individual, as pilot, is responsible for the safety of the flight and must remain cognizant of those factors that are important in its successful completion. Accordingly, in recognition of such elements as adverse weather, turbulence, air traffic control changes, or other variables, the individual may decide that a scheduled, hourly measurement of blood glucose concentration during the flight is of lower priority than the need for full, undivided attention to piloting. In such cases, the individual shall ingest a 10 gm glucose snack. One hour after ingesting of this glucose snack, the individual shall measure and document his or her blood glucose concentration. If the individual is unable to perform the measurement of his or her blood glucose concentration for the second consecutive time, the individual shall ingest a 20 gm glucose snack and shall land as soon as practicable at the nearest suitable airport. The individual, under these circumstances, is not required to measure and document his or her blood glucose concentration within ½ hour prior to landing.

3. Prior to landing. Except as noted above, the individual must measure and document his or her blood glucose concentration within ½ hour prior to landing.

Rationale for Policy Statement

The Federal Air Surgeon has found that the medical certification of selected ITDM individuals who agree to comply with the above protocol is appropriate. As noted above, this decision was reached after reexamining the policy concerning ITDM individuals, reviewing the comments received from the 1991 ADA petition and the 1994 diabetes notice, and by evaluating the proposed protocol of the expert panel of endocrinologists. In formulating this new policy, the Federal Air Surgeon also reviewed the success of FAA's program for ATCS's with ITDM and considered the medical and technological advances in the treatment of diabetes.

This protocol requires thorough screening of an ITDM individual's medical history for evidence of hypoglycemic episodes or impaired mentation. Findings from medical studies indicate that such screening should effectively exclude those at significant risk for incapacitation caused by hypoglycemia. In the report of the ''Conference on Diabetic Disorders and Commercial Drivers,'' prepared for the Federal Highway Administration in March 1988, the authors recommended certification for certain ITDM drivers whose history revealed the absence of recurrent hypoglycemia resulting in loss of consciousness or seizure, the absence of development of seizure or coma without antecedent prodromal symptoms, and the absence of recurrent ketoacidosis. In a more recent technical review entitled ''Hypoglycemia,''

published in *Diabetes Care*, Volume 17, Number 7, July 1994, Philip E. Cryer, M.D., Joseph N. Fisher, M.D., and Harry Shamoon, M.D., discuss clinical issues and current knowledge related to hypoglycemia. Cited in this review is a study which found that a history of prior severe hypoglycemia is the most powerful predictor of subsequent severe hypoglycemia. Another study discussed in this review presents data which show that ITDM individuals with histories of hypoglycemic unawareness are at about sevenfold increased risk for severe hypoglycemia as opposed to those ITDM individuals who are able to recognize developing hypoglycemia and take action to prevent its progression to severe hypoglycemia. Further data regarding the significance of histories of severe hypoglycemia are contained in a study conducted by the Diabetes Control and Complications Trial (DCCT) Research Group of Bethesda, MD, and reported in *The American Journal of Medicine*, Volume 90, April 1991, entitled ''Epidemiology of Severe Hypoglycemia in the Diabetes Control and Complications Trial.'' This study describes the epidemiology of severe hypoglycemia and identifies patient characteristics or behaviors associated with severe hypoglycemia in patients with insulin-dependent diabetes mellitus. Data obtained from this study indicate that a history of severe hypoglycemia and longer duration of diabetes predicts a higher risk for hypoglycemia. Finally, on May 24, 1990, in testimony before the Subcommittee on Post Office and Civil Service, House of Representatives, Robert Ratner, M.D., Director, Diabetes Center, George Washington University Medical Center, emphasized that ''(h)istory provides us with the greatest independent indicator of those individuals at highest risk for this complication (hypoglycemia) of diabetes care, and it does allow exclusion of this group.''

The Federal Air Surgeon has found that advancements in the knowledge, treatment, and self-management of diabetes have made certification of ITDM individuals possible under certain circumstances. More efficient techniques for self-monitoring blood glucose, a better understanding of the dietary needs of diabetic individuals, and the improved education level of diabetic individuals result in better control of diabetes, enabling an individual to significantly mitigate the risk of hypoglycemia. The protocol that an ITDM individual must follow, as outlined under this policy, will allow for adequate blood glucose control prior to and during flight through a comprehensive regimen of blood glucose monitoring and management, thus providing an appropriate level of safety during operation of an aircraft.

In developing this policy, consideration was given to the performance of FAA ATCS's with ITDM in continuing their safety-related duties. This program has been closely monitored since it was instituted in 1991 and has been incident-free since its inception. This record was maintained despite the 40-hour rotating work week required of an ATCS, a significantly longer daily work period of concern for safety than that of a student, recreational, or private pilot who flies for relatively short periods on a daily, weekly, monthly, or occasional basis.

Special issuance of an airman medical certificate to an ITDM individual is restricted by this policy to an applicant for a third-class medical certificate. In determining whether the special issuance of a third-class medical certificate should be made to an applicant, the Federal Air Surgeon, under § 67.401, considers the freedom of an airman, exercising the privileges of a student, recreational, and private pilot certificate, to accept reasonable risks to his or her person and property that are not acceptable in the exercise of commercial or airline transport pilot privileges, and, at the same time, considers the need to protect the safety of persons and property in other aircraft and on the ground.

Discussion of Comments

As noted above, in December 1994, the FAA published a notice requesting comment on a possible policy change concerning ITDM individuals who apply for airman medical certification. The FAA invited comment on a medical evaluation and monitoring protocol for possible use as the basis of a policy change. In addition, it invited comment on whether ITDM individuals should be restricted by class of medical certificate (e.g., only third-class medical certificate), restricted by class of airman certificate (e.g., private pilot, etc.), or restricted by operational limit (e.g., dual pilot operation only or no multiengine aircraft operation). This notice drew a large response from the aviation community, the medical community, members of Congress, and the general public. Over 800 comments were received and placed in the docket.

The FAA received comments on this notice from 93 pilots; 26 medical organizations, including university-affiliated associations and diabetes treatment centers; 150 physicians, including 13 aviation medical examiners; 2 aviation trade associations; and 541 private individuals and members of Congress.

The ADA, an organization with more than 280,000 members and 800 chapters and affiliates, strongly urged the FAA to end its blanket prohibition of medical certification of ITDM individuals. The ADA urged the implementation of a policy without restriction to class of medical certificate, class of airman certificate, or by operational limitation. The Association endorsed a waiver system with stringent guidelines, such as the guidelines set out for comment by the FAA.

ADA stressed the need for case-by-case review of ITDM individuals. The Association stated that, just as not all nondiabetic persons should be certified, not all individuals with ITDM should be certified. The ADA stated that individuals who are not impacted by diabetic conditions affecting judgment and performance in the cockpit should be considered for medical certification. In their letter of March 2, 1995, they advocated exclusion of ITDM individuals at highest risk for incapacitation (e.g., history of hypoglycemic reaction resulting in unconsciousness, and episode of severe hypoglycemia without warning symptoms, or recurrent severe hypoglycemia). The ADA contended that blood glucose monitoring and the availability of carbohydrates can eliminate the majority of incidents of severe hypoglycemia and substantially reduce the number of episodes of mild hypoglycemia. The Association, a strong advocate of fair and equitable legal and societal standards for persons with diabetes, also contended that FAA's current policy on ITDM airman applicants is inconsistent with FAA's own policy of providing individual evaluation of ATCS's with ITDM.

In February 1991, the ADA petitioned the FAA to amend the special issuance provisions of part 67, or, alternatively, amend the FAA special issuance policy to permit the special issuance of medical certificates to individuals with ITDM on a case-by-case basis. The ADA also requested the creation of an FAA-appointed medical task force to develop a medical protocol to permit case-by-case review. Comments received on the petition totaled 160, most of which supported the special issuance of medical certificates for individuals with ITDM. These comments are similar to those received in response to FAA's notice requesting comments on a proposed policy change (59 FR 672463, December 29, 1994) and are addressed below. That portion of ADA's 1991 petition which requests a rulemaking

amendment of the special issuance section of part 67 was addressed in ''Revision of Airman Medical Standards and Certification Procedures and Duration of Medical Certificates; Final Rule,'' (Docket No. 27940), that was published in the Federal Register on March 19, 1996 (61 FR 11238).

Comments were received from 24 state affiliates of the ADA. They unanimously supported a change in FAA policy to individually evaluate ITDM airman applicants. The affiliates emphasized the need for this policy to include stringent medical standards to ensure aviation safety. They stressed that ITDM applicants must meet all the conditions of the proposed medical evaluation and monitoring protocol, with the provision that, if any single condition is not met, no medical certificate should be granted.

The Aircraft Owners and Pilots Association (AOPA) supported a change in FAA policy concerning ITDM individuals, citing the improved education level of ITDM individual, enhanced self-management techniques, and state-of-the-art blood glucose monitoring meters. AOPA pointed to the success of the FAA policy of case-by-case certification of diabetics using oral hypoglycemic agents. AOPA stated that they believe this policy does not compromise safety; and, therefore, it is reasonable to extend this policy to ITDM individuals. AOPA urged that special issuance of medical certificates to ITDM applicants be available for any class of certificate. According to the Association, individuals should be considered based on their medical condition and not on the type of flying activities in which they engage.

The Experimental Aircraft Association (EAA) supported the special issuance of medical certificates to ITDM applicants. EAA supported the protocol which requires tight control of the initial issuance of medical certification after individual evaluation and a continuing program to ensure compliance.

Comments from five FAA aviation medical examiners (AME), all who support a change in policy, urged restriction of medical certification to private pilots. Three of these AME's stated that if the program with those restrictions proved successful, the program should be extended after a period of time to include first- and second-class medical certification. One AME, who is a also a pilot, stated that an ITDM individual who is shown to have consistently and methodically maintained blood glucose control would have the self-discipline to follow an approved protocol and the self-discipline required of a safety conscious pilot.

In general, private individuals supported a change in FAA's policy concerning the special issuance of medical certificates to ITDM airman applicants. Most commenters contended that medical certification of diabetic individuals should be conducted on an individual, case-by-case basis and that only applicants meeting strict eligibility guidelines be considered for medical certification. Many commenters stated that advances in medical knowledge and improved technology make control of blood glucose easier and more effective and, therefore, should allow certain ITDM individuals to be medically certified without compromising aviation safety.

Those individuals who commented on the medical evaluation and monitoring protocol cited it as being appropriately stringent; and they stated that adherence to this protocol should address any safety concerns of the aviation community and the public. The requirement of the protocol to individually assess an ITDM applicant's physical condition, assess his or her medical background and records, and review the ability of the applicant to manage his or her disease was emphasized repeatedly in responses from individual commenters as being appropriate. In addition, most of the comments received from certified diabetes educators, registered dietitians, registered nurses, etc. were in favor of a policy change and echoed the above individual commenters.

There was a divergence of opinion as to the class of airman medical certificate that should be offered under a special issuance, with the majority of individual commenters stating that special issuance should be offered for all classes of airman medical certification. A smaller but significant number of respondents advocated granting special issuance of third-class medical certificates only.

In addition, many individual commenters stated that a requirement for dual pilot operation would be in the interest of safety and would address the issue of hypoglycemic reaction and incapacitation during flight. Opinion was split on whether the requirement for dual pilot operation should apply to all classes of airman medical certificates or only to third-class medical certificates held by private pilots.

In opposition to the policy was the American Association of Clinical Endocrinologists (AACE). AACE opposed any policy change which would permit ITDM individuals to be eligible for medical certification. It stated that the associated risks of this disease cannot be eliminated and that granting medical certification would pose unnecessary risks to both the patient and the general populace. AACE contended that the physiological effects of flight and the constraints of operating an aircraft decrease the likelihood of proper monitoring and management of blood glucose levels while in flight and increases the risk of impairment of incapacitation of ITDM individuals.

The Endocrine Society also opposed any change of FAA policy regarding ITDM individuals. The Society stated that, if a special issuance of a medical certificate is to be granted, an ITDM individual who has had even one severe hypoglycemic reaction within the last 3 years should not be eligible for issuance of a medical certificate. It further contended that food ingestion should never be permitted in lieu of hourly in-flight glucose testing, that an ITDM individual should have another qualified pilot in the cockpit at all times, and that an ITDM individual should not be allowed to pilot commercial aircraft. The Society pointed to the results of a recent study on the treatment of individuals with ITDM which shows that proper treatment of patients with ITDM requires tighter control of blood glucose levels and leads to an unavoidably higher risk of hypoglycemic reaction. According to the Society, tight control of the blood glucose level of an ITDM individual produces significantly better long term outcome through the reduction of the occurrence of nephropathy, retinopathy, and neuropathy. Therefore, the Society stated, appropriate treatment of ITDM individuals would unavoidably lead to a higher risk of hypoglycemic reaction, which should preclude these patients from obtaining special issuance of a medical certificate.

There was opposition by 17 physicians, one of whom is a pilot, to the proposed change in policy. They stated that the FAA's primary mission is public safety, and the agency should not be pressured to change its policy by special interest groups. In addition to those physicians, eight AME's opposed the policy change.

Many pilots and individual commenters who opposed the policy change stated that the proposed monitoring system is unwieldy and will detract from the pilot's ability to control the aircraft. They considered the proposed guidelines too complex. Some pilots contended that it would be extremely difficult to carry out the proposed monitoring protocol in the best visual flight rules conditions and

that it would be impossible to comply in adverse flight conditions. Concern was expressed regarding the danger of the combined effects of hypoglycemia and hypoxia in flight.

Some of the above commenters also suggested that the implementation of the proposed guidelines relies too heavily on the applicant's objectivity and honesty in assessing his or her medical situation.

The majority of commenters who opposed a policy change stated that controlled diabetics are always in jeopardy of insulin reactions and that the risk of hypoglycemia is not satisfactorily reduced or eliminated by the proposed protocol.

Finally, although the FAA has recently changed its policy to allow medical clearance of ATCS's under some circumstances, many individual commenters pointed out that pilots and ATCS's cannot be compared since ATCS's are subjected to close supervision and prohibited from solo duty.

FAA Response

In its comment, the ADA stressed the need to restrict some ITDM individuals from consideration for special issuance of a medical certificate. It advocated excluding ITDM individuals at risk of hypoglycemia, i.e., ''individuals with a history of severe hypoglycemic reactions resulting in the loss of consciousness or seizure, recurrent severe hypoglycemic reactions requiring intervention by another party, or recurrent hypoglycemia without warning symptons.'' The panel of endocrinologists who served at the request of the Federal Air Surgeon and whose recommendations were included in FAA's notice of December 29, 1994 (59 FR 6724) also recognized the need to restrict ITDM individuals at risk of hypoglycemia from consideration for special issuance of a medical certificate. The recommendation of the panel proposed restricting consideration of eligibility for special issuance to ITDM individuals who ''have had no recurrent (two or more) severe hypoglycemic reactions requiring intervention by another party during the past 3 years and have no current history of hypoglycemia resulting in impaired cognitive function without warning symptoms (hypoglycemia unawareness).''

In its new policy, the FAA developed eligibility criteria to consider only those ITDM individuals who have had no recurrent hypoglycemic reactions resulting in a loss of consciousness or seizure within the past 5 years; had no recurrent hypoglycemic reactions requiring intervention by another party within the past 5 years; and had no recurrent hypoglycemic reactions resulting in impaired cognitive function which occurred without warning symptoms in the past 5 years. The agency has determined that this 5-year time frame and the requirement for a period of 1 year of demonstrated stability following the first episode of hypoglycemia in each of the above instances provides an adequate basis for a medical determination of the applicant's eligibility. By restricting consideration for special issuance of a medical certificate to those individuals who meet these eligibility criteria, the FAA will ensure that only those individuals at low risk of hypoglycemia are considered under this protocol.

Some individual commenters and pilots stated that the proposed blood glucose monitoring guidelines to be followed during flight are complex, unwieldy, and detract from a pilot's ability to control the aircraft. Under this policy, blood glucose monitoring guidelines to be followed during flight require an individual with ITDM to monitor his or her blood glucose concentration at hourly intervals. An individual may, if he or she is unable to perform an hourly measurement of blood glucose concentration during flight, ingest a 10 gm glucose snack. One hour after ingestion of this glucose snack, an individual must measure his or her blood glucose concentration. If, at this time, the individual is unable to perform the blood glucose measurement, he or she must ingest a 20 gm glucose snack and land as soon as possible. The decision as to the appropriateness of performing a blood glucose test or ingesting a glucose snack at the prescribed test interval will be made by the pilot, taking into consideration all factors pertaining to the safety of his or her flight. Compliance with these monitoring guidelines during flight should not detract from an individual's ability to concentrate on flight operations given that the pilot can make a judgment of the appropriate action to be taken as his or her flight conditions warrant. The FAA also notes that several commenters point out the ease with which a trained ITDM individual can accomplish a glucose determination. One commenter provided a video tape demonstrating his use of a glucometer during actual flight with a safety pilot.

Many pilots commenting on the protocol stated that the blood glucose monitoring system would be extremely difficult to carry out in VFR conditions and would be impossible to comply with in adverse conditions. The FAA shares the concern of the commenters that aviation safety be maintained at all times and that adherence to this protocol not interfere with the safe operation of an aircraft. However, compliance with these monitoring guidelines during flight allows a pilot, after taking into consideration the existing flight conditions, to determine the appropriateness of performing a blood glucose test or, at the required test interval, ingesting a glucose snack to ensure that an appropriate blood glucose level is maintained. This procedure allows a pilot to comply with the monitoring guidelines while ensuring the safe operation of his or her aircraft.

Some individual commenters stated that special issuance of a medical certificate should be offered for all classes of airman medical certificates. The FAA has determined that special issuance to ITDM individuals will be limited to applicants for third-class airman medical certificates. By restricting ITDM individuals to a third-class medical certificate, the FAA policy allows a student, recreational, or private pilot to accept reasonable risks to his or her person or property that are not acceptable in the exercise of commercial or airline transport pilot privileges.

Many individual commenters compared ITDM air traffic control specialists to ITDM pilots operating under this policy, citing the success of the ATCS program and the willingness of the FAA to consider ITDM ATCS's on a case-by-case basis. These commenters urged the FAA to extend these privileges to ITDM pilots also. Other individual commenters pointed out the dissimilar aspects of the two programs, specifically in that ITDM ATCS's are supervised at all times while on duty. The FAA is aware of the differences between the two programs and has considered the responsibilities and the medical certification and operational requirements of both ITDM ATCS's and ITDM pilots. An ATCS has daily responsibility for public safety through the operation of the air traffic control system. In addition to meeting the conditions of the protocol, the FAA requires that ITDM ATCS's, as do all ATCS's, hold a medical clearance which is equivalent to the second-class airman medical certificate required for commercial pilot privileges. And, as an extra measure of safety, the FAA does not permit solo duty by an ITDM ATCS. In contrast, ITDM pilots would fly infrequently, at their own convenience, and would be responsible primarily for the safe operation of one aircraft. Under this new policy, an ITDM individual may be considered for a third-class

airman medical certificate but be restricted to exercise only the privileges of a student, recreational, or private pilot certificate. The FAA believes that, under this protocol for individuals with ITDM, a further restriction from solo flight is not necessary.

The FAA has closely monitored the ITDM ATCS program, and it has been incident-free since its inception in 1991. This incident-free record has been maintained although an ITDM ATCS works a 40-hour week, often on a rotating schedule, which is a significantly longer period of time than ITDM pilots would operate under the conditions of this protocol. The FAA believes that the success of its ITDM ATCS program is an indicator of the feasibility of its new policy concerning ITDM pilots.

Summary

The FAA has reevaluated the proposed medical evaluation and monitoring protocol for ITDM individuals published in its 1994 Federal Register notice (docket no. 26493). After consideration of all the comments received, the FAA has determined that ITDM individuals following the conditions and requirements of the protocol described above will be able to safely perform their airman duties, thus permitting the special issuance of airman medical certificates to selected ITDM individuals who agree to and are capable of following the FAA-prescribed protocol.

International Civil Aviation Organization (ICAO) and Joint Aviation Regulations (JAR)

The FAA has determined that a review of the ICAO Standards and Recommended Practices and JAR's is not warranted because there are no existing comparable rules, and any waiver under this policy would be limited to the territory of the United States.

Regulatory Evaluation

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs Federal agencies to promulgate new regulations or modify existing regulations only if the expected benefits to society outweigh the expected costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this policy: (1) would generate benefits exceeding costs; (2) is not ''significant'' as defined in the Executive Order and DOT's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; and (4) would not constitute a barrier to international trade.

Cost Benefit Analysis

The FAA expects that this policy will impose additional costs on those insulin-using diabetics who seek special issuance of a third-class medical certificate. While the medical records and examinations required for consideration should be readily available to most applicants, the specific evaluation requirements of the protocol will impose those additional requirement costs for all such applicants. Also, additional costs will be incurred if the applicant is required to undergo a medical flight test prior to final consideration of a waiver request. The FAA intends to require most initial ITDM applicants for student pilot privileges to undergo such testing.

Once an individual has been selected for special issuance under this policy, additional costs will also be incurred in meeting the general conditions of the protocol, as well as the individual conditions, if any, imposed for the term of the special issuance. With the exceptions of the quarterly and annual examinations and reporting by appropriate medical specialists of the applicant's diabetes status to the FAA, the medical requirements of the protocol are already met by many insulin-using diabetics. Frequent daily blood glucose measurements using a digital measuring device are a routine activity for many diabetic individuals that may meet the requirements of the protocol and impose no additional cost. However, the protocol may require some to purchase an approved measuring device (approximately $150), perform more tests (especially while flying), and purchase additional glucose snacks. The FAA believes that there will be little additional cost beyond that identified above for appropriate blood glucose management prior to and during flight.

The FAA believes that this protocol will not have an adverse impact on safety. The protocol will permit those insulin-using diabetics who voluntarily apply for and who are found eligible for special issuance of a third-class medical certificate the opportunity to exercise pilot privileges in a manner that protects the individuals as well as the public. Additionally, those individuals receiving special issuance under this protocol may benefit from the required increased disease surveillance. The FAA has no data available from which to estimate the number of individuals who may seek special issuance or the number of special issuances that would be granted and thus cannot estimate the total overall cost of this policy. However, the FAA has determined that the benefits to the individual offered by this policy exceed the additional cost voluntarily undertaken by individual applicants. If an individual considers the cost too great, the applicant will not seek the waiver.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule is expected to have a significant (positive or negative) economic impact on a substantial number of small entities. Based on the standards and thresholds specified in FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that this policy would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

This policy does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 does not apply.

International Trade Impact

The Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. The policy would not have any impact on international trade.

Federalism Implications

The policy herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12866, October 4, 1993, it is determined that this policy would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed above, including the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this policy is

not significant under Executive Order 12866, Regulatory Planning and Review, issued October 4, 1993. In addition, the FAA certifies that this policy does not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This policy is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and Order DOT 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations, of May 22, 1980.

The Federal Air Surgeon, for the reasons set out above, has determined that the FAA will consider selected ITDM individuals for special issuance of a third-class airman medical certificate on a case-by-case basis with the conditions and restrictions set forth in this policy statement. Individuals will be closely monitored to determine the effectiveness of this policy. The performance and medical condition of an ITDM individual will be monitored through the review of medical evaluations, records of daily blood glucose measurements, reports of hypoglycemic episodes, and reports of involvement in any accidents or incidents. The Federal Air Surgeon, at his discretion, may modify or terminate this policy at any time. If substantive change is made to this policy, it will be published in the Federal Register. Publication of this policy statement disposes of the petition submitted by ADA in 1991.

Individuals interested in applying for special issuance of an airman medical certificate should contact: Federal Aviation Administration, AAM–300, Civil Aeromedical Institute, 6500 South MacArthur, Oklahoma City, OK 73125.

Issued in Washington, DC, on November 5, 1996.

Jon L. Jordan,

Federal Air Surgeon.

[FR Doc. 96–29739 Filed 11–18–96; 10:58 am]

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Federal Register

Thursday
November 21, 1996

Part III

Department of Education

34 CFR Part 99

Family Educational Rights and Privacy; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 99

RIN 1880–AA65

Family Educational Rights and Privacy

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations implementing the Family Educational Rights and Privacy Act (FERPA). The amendments are needed to implement section 249 of the Improving America's Schools Act of 1994 (IASA) (Pub. L. 103-382, enacted October 20, 1994), to eliminate unnecessary requirements, reduce regulatory burden, and incorporate several technical changes.

EFFECTIVE DATE: These regulations take effect December 23, 1996.

FOR FURTHER INFORMATION CONTACT: Ellen Campbell, U.S. Department of Education, 600 Independence Avenue, SW., Washington, DC 20202–4605. Telephone: (202) 260–3887. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On March 14, 1996, the Secretary published a notice of proposed rulemaking (NPRM) for 34 CFR part 99 in the Federal Register (61 FR 10664-10669). The preamble to the NPRM included a summary and discussion of the 1994 amendments and other major issues that were addressed in the proposed regulations.

These regulations have been reviewed and revised in accordance with the Department's ''Principles for Regulating,'' which were developed to ensure that the Department regulates in the most flexible, most equitable, and least burdensome way possible. These principles advance the regulatory reinvention and customer service objectives of the Administration's National Performance Review and are essential to an effective partnership with States and localities. The Secretary amends these regulations because he believes they are necessary to implement the law and give the greatest flexibility to educational agencies and institutions. In addition, the regulations minimize burden while protecting parents' and students' rights.

The final regulations include changes made to the statute by the Improving America's Schools Act of 1994 (IASA). The IASA amended FERPA so that State educational agencies are required to afford parents access to education records they maintain. The IASA also amended FERPA to permit nonconsensual disclosures of education records to officials in the State juvenile justice system as permitted by State law and, in certain circumstances, to permit the nonconsensual disclosure of information regarding disciplinary action taken against a student for behavior that posed a significant risk to the student or others.

Additionally, these regulations reflect the Department's effort to reduce unnecessary regulatory burdens. In this regard, the Department is removing the nonstatutory requirement that schools adopt a formal written student records policy. Instead, schools will now be required to include additional information in the annual notification of rights, which is required by statute, to ensure that parents are effectively notified of their rights and how to pursue them.

In reviewing the NPRM with respect to the issue of disclosing education records without consent pursuant to subpoenas and court orders, the Secretary has concluded that the language in this provision of the regulations should be revised to highlight that notification to the parent or eligible student of a subpoena or judicial order allows the parent or student the opportunity to seek protective action to prevent re-disclosures. Also, the Secretary clarifies that if an educational agency or institution initiates legal action against a parent or student, the records that can be disclosed are those records of that student that are relevant to the action. These additions are not intended to change the meaning of the regulatory requirements as published in the NPRM, but are merely a clarification of the Department's position on this issue. Changes made in response to the public comments on the NPRM are discussed in the following section.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, twenty-eight (28) parties submitted comments on the proposed regulations. An analysis of the public comments and of the changes in the regulations since publication of the NPRM follows. Substantive issues are discussed under the section of the regulations to which they pertain. Suggested changes and comments outside the scope of the NPRM are not addressed because the Secretary lacks the statutory authority to make the changes.

Annual Notification of Rights (§ 99.7)

Comments: Seven commenters submitted letters in support of the proposal to remove the requirement that educational agencies and institutions adopt student records policies. One commenter stated that the proposed change would not only lessen the burden on schools, but would facilitate communication between the schools and parents or eligible students. This commenter further stated that the cost associated with the change would not be significant because the school district updates its notices regardless of statutory requirements. Another commenter, representing a State educational agency (SEA), stated that the proposed changes would ''be of benefit to parents.'' Another commenter representing a large public university stated that ''the flexibility offered by not requiring having such a [student records] policy is a laudable goal * * *. A move toward that type of freedom is a positive one.''

Six commenters opposed the proposed change. One commenter stated that the current requirements are not burdensome. Two commenters noted that the policy is helpful in educating school officials about FERPA requirements and that the change in the requirements would be burdensome on schools because they would incur costs to publish a longer notification.

Discussion: The Secretary's purpose in removing the requirement that schools maintain a policy is twofold. Specifically, the Secretary believes that this change will help to ensure that parents and eligible students receive more effective notification of their rights under the law, including how to pursue those rights. Second, the Secretary hopes that the change will afford educational agencies and institutions greater flexibility by removing requirements that are not necessary to implement the law.

With respect to those commenters who noted that the student records policy is helpful in educating school officials about FERPA, the removal of the requirement that educational agencies or institutions adopt a formal student records policy does not prevent schools from maintaining a policy. The Department will continue to update and make available a sample model student records policy for any educational agencies and institutions that want to have a policy.

While the Secretary encourages educational agencies and institutions to develop and utilize student records policies, he also recognizes that the statute does not require that schools

have these policies. Because of this regulatory requirement, the Department has had to investigate complaints alleging that the contents of schools' student records policies did not meet the regulatory requirements. Often, the Department found that the policies did not comply.

The removal of the requirement to adopt a written policy aligns the FERPA regulations more closely to the statute and gives educational agencies and institutions flexibility regarding the content of their student records policies. In addition, the amount of Department resources spent on investigating complaints alleging violations of regulatory requirements that are not based on statutory requirements will be reduced.

In response to those comments that expressed concern regarding the burden and cost of publishing additional information in an annual notification, the Secretary has again reviewed the regulations. The Secretary has determined that some of the information proposed to be included in the annual notification is not necessary to meet the statutory requirement. In particular, the Secretary has removed the requirement that the notice list FERPA's exceptions to the prior written consent provision. In addition, the Secretary will not require that the annual notification specify the procedures for a hearing under FERPA's amendment provision, as long as schools provide this information to parents and eligible students seeking to amend education records. Lastly, the Secretary will not require the annual notification to include a reference to directory information.

The Department has created a model annual notification that is not significantly longer than the previous annual notification. The model is available from the address listed in the **FOR FURTHER INFORMATION CONTACT** section of these regulations and is published as an appendix to these regulations. The model is less than two 8½″ by 11″ pages in length (single-spaced), minimizing any additional burden on an institution. As noted in the NPRM, the Secretary will allow educational agencies and institutions up to three years to transfer from the current policy requirements and to implement the new requirements concerning an annual notification.

Changes: The Secretary has removed proposed § 99.7(a)(3)(ii) (B) and (C), § 99.7(a)(3)(iii), and § 99.7(a)(3)(v). The remaining provisions have been renumbered accordingly.

Effective Notification

Comment: One commenter requested that the regulations specify what would be acceptable notification to individuals with disabilities or those with limited English proficiency.

Discussion: The Secretary believes that each school is best able to determine what would constitute notice that would be reasonably likely to inform parents and eligible students whom it serves. The regulations give schools flexibility to determine how to effectively notify individuals with disabilities and those who have a primary or home language other than English. Schools must provide notice consistent with applicable civil rights laws. Effectively notifying individuals with disabilities may include, for example, providing notice in alternative formats such as audiotape, braille, computer diskette, or large print, as appropriate. Ideally, schools would consult with parents and eligible students in determining how best to provide them with notice.

Changes: None.

Annual Requirement

Comment: One commenter questioned the requirement that an educational agency or institution provide the notification annually. This commenter suggested that notification be made once, when a student first enters the school.

Discussion: The Secretary believes that requiring an annual notification that is reasonably likely to inform parents and eligible students of their rights strikes the proper balance between placing minimal requirements on educational agencies and institutions and ensuring that parents and students are effectively informed of their rights. The Department does not require schools to individually notify parents or eligible students of their rights, but only that they give notice that is reasonably likely to inform the parents and students of their rights.

Changes: None.

Right To Inspect and Review Education Records (Section 99.10)

Comments: Eleven SEAs submitted comments on the NPRM. Most commenters agreed that the Secretary's proposed requirement that access be provided within 45 days is reasonable. One commenter, while generally in favor of the proposed changes, stated that the 45-day time period was too long.

Discussion: Because most comments the Department received stated that the 45-day requirement is reasonable and the statute requires that LEAs respond to requests for access within 45 days, the Secretary believes that making the response time consistent with the statutory requirement for LEAs will be less confusing to parents, students, and school officials.

Changes: None.

Costs Associated With Making Records Available

Comments: One commenter stated that SEAs would incur significant costs producing records for review.

Discussion: The Secretary recognizes that there may be some personnel and resource costs associated with affording access to records. However, § 99.11 of subpart B of the FERPA regulations allows SEAs to charge a fee for a copy of education records that is made for a parent or eligible student. This fee would cover most of the nominal costs associated with making records available to parents and eligible students.

Changes: None.

Duplicate Records

Comments: Two commenters suggested that SEAs should not be required to provide access to records that are duplicates of records maintained by an LEA.

Discussion: The requirement that SEAs provide access to education records is statutory. Congress did not make an exception for duplicate records. There is, therefore, no authority for the Department to limit a parent's or eligible student's right to access records maintained by an SEA, even if the records are duplicates of those records maintained by an LEA.

Changes: None.

Prior Consent Provisions

Comments: Three commenters contended that FERPA's provisions requiring the consent of the parent or eligible student prior to disclosure of education records also should apply to records maintained by SEAs, notwithstanding the source of the records.

Discussion: Congress only requires that SEAs comply with the access provisions of FERPA. SEAs are not required to comply with any of the other provisions of FERPA, such as the written consent requirement or the notification requirement. Accordingly, the Secretary has no authority to require SEAs to comply with FERPA's prior consent provisions.

Changes: None.

SEAs and Annual Notification

Comments: Several commenters representing SEAs asked if the annual

notification requirement applies to SEAs and if state-wide notification is required.

Discussion: As discussed in the preamble to the NPRM, FERPA does not apply to SEAs in general. Rather, the only provision in FERPA that applies to SEAs directly is the requirement that SEAs provide parents and eligible students access to education records when so requested. Accordingly, FERPA's notification requirement does not apply to an SEA, unless the SEA is an educational agency or institution under § 99.1 of this part.

Changes: None.

Foster Parents

Comments: One commenter was concerned that there was no proposed provision addressing the rights of a foster parent to inspect and review education records at an SEA.

Discussion: The regulations already define the term parent in § 99.3 to include ''a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.'' Thus, foster parents who are acting as a child's parent would have the rights afforded parents under FERPA with respect to that child's education records.

Changes: None.

Prior Consent Not Required for Disclosures Pursuant to Court Orders and Lawfully Issued Subpoenas (Section 99.31) Subpoenas of Other Issuing Agencies

Comments: Three commenters noted that the NPRM omitted statutory language that allows an educational institution to release education records without notifying the student when an agency (other than a court) issues a subpoena for a law enforcement purpose.

Discussion: The words ''or other issuing agency'' were inadvertently excluded from the NPRM. The Department did not intend to limit the application of this provision and has corrected the regulations to reflect the statutory language.

Change: The words ''or other issuing agency'' have been added to § 99.31(a)(9)(ii)(B).

Implied Waiver of the Right To Consent

Comments: Three commenters requested that the Secretary include regulations allowing an educational agency or institution to assume an implied waiver of the right to consent to the disclosure of education records to respond to a lawsuit filed by a parent or student against the agency or institution.

Discussion: While FERPA does not directly address this issue, the Department interprets FERPA to allow an educational agency or institution to infer the parent's or student's implied waiver of the right to consent to the disclosure of information from the student's education records if the parent or student has sued the institution. The Secretary believes this interpretation is sound because an educational agency or institution must be able to defend itself if a parent or student has initiated legal action against the agency or institution. This interpretation, however, does not place a requirement on educational agencies or institutions, and thus it is not included in the regulations.

Changes: None.

Disclosure of Information from Disciplinary Records (Section 99.36)

Comment: One commenter asked if an educational agency or institution may include information regarding disciplinary actions taken against a student other than those for conduct that posed a significant risk to the health or safety of the student or others in a student's education records.

Discussion: Neither FERPA nor the regulations prevent an educational agency or institution from maintaining any type of education records that an agency or institution has deemed necessary or appropriate to maintain. The new statutory provision, upon which the new regulatory provision is based, merely clarifies that nothing in FERPA prevents schools from maintaining, and disclosing under certain circumstances, specific information regarding disciplinary action taken against students.

Changes: None.

Health or Safety Emergency Exception

Comments: One commenter suggested that the new provision regarding disciplinary records be placed in its own section of the regulations, stating that Congress did not include this provision under the health or safety emergency exception to FERPA's prior written consent provision.

Discussion: The new provision governs disclosure of information about a student's behavior that poses significant risk to that student or other individuals. This new provision is closely related to, and logically follows, the existing health or safety exception to the prior written consent provision. The placement of the new provision in the same subpart with the previous health or safety emergency exception does not collapse the two provisions.

Changes: None.

Obligation To Disclose Information

Comments: A couple of commenters asked whether the FERPA provision permitting the disclosure of information concerning disciplinary action taken against a student for behavior that posed a significant risk to that student or other individuals creates a legal obligation to disclose this information, which would make educational agencies and institutions liable if this information were not disclosed.

Discussion: These regulations do not require the disclosure of any information from education records, except to the extent that the regulations afford parents and eligible students the right to access education records. Accordingly, the regulations do not create a legal obligation to disclose information from a student's disciplinary records under FERPA. Rather, the regulations give individual schools the discretion to determine the circumstances under which it is appropriate to disclose information.

Changes: None.

Behavior That Poses a Significant Risk

Comments: Some commenters suggested that the Department should clarify what behavior would constitute ''behavior that posed a significant risk'' and pointed out that a particular behavior at one institution may be deemed acceptable, and at another be considered putting the individual or others at ''significant risk.''

Discussion: The Secretary believes that defining a single standard of what constitutes behavior that posed a significant risk would restrict educational agencies and institutions from determining what is appropriate based on specific circumstances found at individual schools.

Change: None.

Transfer of Student Education Records

Comments: Three commenters suggested permitting nonconsensual disclosure of information concerning disciplinary action taken against a student for behavior that posed a significant risk to that student or other individuals if the student has transferred to another school.

Discussion: FERPA has always permitted, under § 99.31(a)(2), nonconsensual disclosure of this information (and other education records) in situations where students are seeking or intending to enroll in another educational agency or institution. If a student has been enrolled in the new institution for a period of time, the Secretary interprets § 99.31(a)(2) to permit educational agencies and

institutions to send corrected education records, or additional education records, to the new institution (if it has already sent education records under this exception) as part of an original disclosure.

Change: None.

Students With Disabilities

Comment: One commenter asked if the new provision permitting nonconsensual disclosure of information concerning disciplinary action applies to students with disabilities.

Discussion: FERPA applies to all education records equally, and does not distinguish between the records of students with disabilities and the records of other students. Moreover, the Secretary believes that individual educational agencies and institutions are in the best position to determine what information should be released in a particular situation. However, if a complaint is filed, the Department, through the Family Policy Compliance Office, would investigate the complaint and make a final determination whether FERPA had been violated.

Changes: None.

Disclosure of Information Concerning Juvenile Justice System (Section 99.38)

Comment: None.

Discussion: The Secretary believes that each school, working in conjunction with State and local authorities, can best determine whether a release of personally identifiable information from an education record ''concerns the juvenile justice system's ability to effectively serve a student prior to adjudication.'' Thus, the regulations give schools flexibility in determining whether an education record of a juvenile may be released without the prior written consent of the parent.

Executive Order 12866

Assessment of Costs and Benefits

These final regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those determined by the Secretary as necessary for administering this program effectively and efficiently. Burdens specifically associated with information collection requirements were identified and explained in the preamble to the NPRM published on March 14, 1996. This discussion appeared under the heading *Paperwork Reduction Act of 1995* (61 FR 10666).

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, the Secretary has determined that the benefits of the regulations justify the costs.

Summary of Potential Costs and Benefits

The potential costs and benefits of these final regulations are discussed elsewhere in this preamble under the following heading: Analysis of Comments and Changes.

Paperwork Reduction Act of 1995

Sections 99.7 and 99.32 contain information collection requirements and have been approved by OMB under control number 1880–0508. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number assigned to the collection of information in these final regulations is displayed at the end of the affected sections of the regulations.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed regulations and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 99

Administrative practice and procedure, Education, Information, Privacy, Parents, Records, Reporting and recordkeeping requirements, Students.

Dated: September 18, 1996.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number does not apply.)

The Secretary amends Part 99 of Title 34 of the Code of Federal Regulations as follows:

PART 99—FAMILY EDUCATIONAL RIGHTS AND PRIVACY

1. The authority citation for part 99 continues to read as follows:

Authority: 20 U.S.C. 1232g, unless otherwise noted.

2. Section 99.1 is amended by removing paragraph (b), redesignating paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d), respectively, and by revising paragraph (a) to read as follows:

§ 99.1 To which educational agencies or institutions do these regulations apply?

(a) Except as otherwise noted in § 99.10, this part applies to an educational agency or institution to which funds have been made available under any program administered by the Secretary, if—

(1) The educational institution provides educational services or instruction, or both, to students; or

(2) The educational agency provides administrative control of or direction of, or performs service functions for, public elementary or secondary schools or postsecondary institutions.

* * * * *

§ 99.2 [Amended]

3. Section 99.2 is amended by removing the number ''438'' and adding, in its place, the number ''444''.

4. Section 99.3 is amended by removing in the definition of ''Act'' the number ''438'' and adding, in its place, the number ''444'' and by revising the definitions of ''Disclosure'' and ''Record'' to read as follows:

§ 99.3 What definitions apply to these regulations?

* * * * *

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

* * * * *

Record means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

* * * * *

§ 99.6 [Removed and reserved]

5. Section 99.6 is removed and reserved.

6. Section 99.7 is revised to read as follows:

§ 99.7 What must an educational agency or institution include in its annual notification?

(a)(1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.

(2) The notice must inform parents or eligible students that they have the right to—

(i) Inspect and review the student's education records;

(ii) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

(iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and § 99.31 authorize disclosure without consent; and

(iv) File with the Department a complaint under §§ 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and this part.

(3) The notice must include all of the following:

(i) The procedure for exercising the right to inspect and review education records.

(ii) The procedure for requesting amendment of records under § 99.20.

(iii) If the educational agency or institution has a policy of disclosing education records under § 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

(b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

(1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.

(2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.

(Approved by the Office of Management and Budget under control number 1880–0508)

(Authority: 20 U.S.C. 1232g (e) and (f)).

7. Section 99.10 is amended by adding ‘‘, or SEA or its component'' following the word ‘‘institution'' in paragraphs (c) and (e) and by revising paragraphs (a), (b), and (d), and the authority citation to read as follows:

§ 99.10 What rights exist for a parent or eligible student to inspect and review education records?

(a) Except as limited under § 99.12, a parent or eligible student must be given the opportunity to inspect and review the student's education records. This provision applies to—

(1) Any educational agency or institution; and

(2) Any State educational agency (SEA) and its components.

(i) For the purposes of subpart B of this part, an SEA and its components constitute an educational agency or institution.

(ii) An SEA and its components are subject to subpart B of this part if the SEA maintains education records on students who are or have been in attendance at any school of an educational agency or institution subject to the Act and this part.

(b) The educational agency or institution, or SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.

* * * * *

(d) If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, or SEA or its component, shall—

(1) Provide the parent or eligible student with a copy of the records requested; or

(2) Make other arrangements for the parent or eligible student to inspect and review the requested records.

* * * * *

(Authority: 20 U.S.C. 1232g(a)(1) (A) and (B))

§ 99.12 [Amended]

8. Section 99.12 is amended by removing in paragraph (a) the commas after ‘‘inspect'' and after ‘‘review'' and by adding after the word ‘‘inspect'' the word ‘‘and'' and by revising the authority citation to read as follows:

(Authority: 20 U.S.C. 1232g(a)(1) (A), (B), (C), and (D))

§ 99.20 [Amended]

9. Section 99.20 is amended by removing in paragraph (a) the words ‘‘or other rights''.

§ 99.21 [Amended]

10. Section 99.21 is amended by removing in paragraphs (a), (b)(1), introductory text, and (b)(2) the words ‘‘or other''.

11. Section 99.31 is amended by redesignating paragraph (a)(6)(iii) as paragraph (a)(6)(iv), by adding a new paragraph (a)(6)(iii) and by revising paragraphs (a)(5)(i) and (a)(9) and the authority citation to read as follows:

§ 99.31 Under what conditions is prior consent not required to disclose information?

(a) * * *

(5)(i) The disclosure is to State and local officials or authorities to whom this information is specifically—

(A) Allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

(B) Allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of § 99.38.

* * * * *

(6) * * *

(iii) If this Office determines that a third party outside the educational agency or institution to whom information is disclosed under this paragraph (a)(6) violates paragraph (a)(6)(ii)(B) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

* * * * *

(9)(i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(iii) If the educational agency or institution initiates legal action against a parent or student and has complied with paragraph (a)(9)(ii) of this section, it may disclose the student's education records that are relevant to the action to the court without a court order or subpoena.

* * * * *

(Authority: 20 U.S.C. 1232g(a)(5)(A), (b)(1), (b)(2), (b)(4)(B), and (f)).

12. Section 99.32 is amended by removing the word ‘‘or'' following paragraph (d)(3), replacing the period at

the end of paragraph (d)(4) with a semicolon and adding the word ''or'' after the semicolon, adding a new paragraph (d)(5), and revising the authority citation to read as follows:

§ 99.32 What recordkeeping requirements exist concerning requests and disclosures?

* * * * *

(d) * * *

(5) A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(Approved by the Office of Management and Budget under control number 1880–0508)

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(4)(A))

13. Section 99.33 is amended by revising paragraphs (c) and (d) and by adding a new paragraph (e) to read as follows:

§ 99.33 What limitations apply to the redisclosure of information?

* * * * *

(c) Paragraph (a) of this section does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas under § 99.31(a)(9), to disclosures of directory information under § 99.31(a)(11), or to disclosures to a parent or student under § 99.31(a)(12).

(d) Except for disclosures under § 99.31(a) (9), (11), and (12), an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.

(e) If this Office determines that a third party improperly rediscloses personally identifiable information from education records in violation of § 99.33(a) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

§ 99.34 [Amended]

14. Section 99.34(a)(1)(ii) is amended by removing the word ''policy'' and adding, in its place, the words ''annual notification''.

15. Section 99.36 is amended by revising paragraph (b), adding paragraph (c) and revising the authority citation to read as follows:

§ 99.36 What conditions apply to disclosure of information in health and safety emergencies?

* * * * *

(b) Nothing in this Act or this part shall prevent an educational agency or institution from—

(1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

(2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

(3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c) Paragraphs (a) and (b) of this section will be strictly construed.

(Authority: 20 U.S.C. 1232g (b)(1)(I) and (h))

16. A new § 99.38 is added to subpart D to read as follows:

§ 99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

(a) If reporting or disclosure allowed by State statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose education records under § 99.31(a)(5)(i)(B).

(b) The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

(Authority: 20 U.S.C. 1232g(b)(1)(J))

§ 99.63 [Amended]

17. Section 99.63 is amended by removing the word ''person'' and adding, in its place, the words ''parent or eligible student''.

Appendix

(Note: This appendix will not be codified in the Code of Federal Regulations.)

Model Notification of Rights Under FERPA for Elementary and Secondary Institutions

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (''eligible students'') certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask *Alpha School District* to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. [Note: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202–4605

[Note: In addition, a school may want to include its directory information public

notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]

Model Notification of Rights Under FERPA for Postsecondary Institutions

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the University discloses education records without consent to officials of another school, upon request, in which a student seeks or intends to enroll. [Note: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless the institution states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by *State University* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC, 20202–4605

[Note: In addition, an institution may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]

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Federal Register

Thursday
November 21, 1996

Part IV

The President

Proclamation 6956—National Family Week, 1996

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Presidential Documents

Title 3—

The President

Proclamation 6956 of November 19, 1996

National Family Week, 1996

By the President of the United States of America

A Proclamation

Our families are among the great blessings we acknowledge each year at Thanksgiving.

The influence of the family is profound. Families provide essential nurturing and unconditional love; share their values, wisdom, and religious convictions; and give their members the hope and self-confidence they need to succeed. They form the foundation from which our Nation draws its strength and upon which we build our national character.

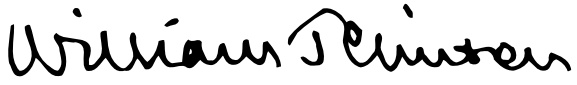
If our country is to succeed in the 21st century and beyond, we must commit ourselves now to ensuring the health and well-being of the American family. Parents, educators, business, religious, and community leaders must work together to strengthen our Nation's families. Government policies at the Federal, State, and local levels must support families with compassion and a willingness to give all Americans the tools they need to make the most of their own lives.

We must create economic opportunity so that hardworking parents can provide for their children and succeed both at work and at home. We must give our families safe neighborhoods in which to grow, free from guns and gangs, drugs and violence. We must reinforce parents' efforts to set a good example by helping to protect their children from the corrosive influences of alcohol and tobacco and to limit their exposure to explicit sexuality and violence in the entertainment media.

In doing so, we will reaffirm the vital lessons of love, responsibility, and compassion that so many of us have been fortunate to learn in our own families, and ensure that those lessons are passed on to the generations to come.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim November 24 through November 30, 1996, as National Family Week. I call upon all Americans to celebrate our Nation's families with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of November, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.



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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

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Acquisition regulations:
- Admininstrative changes; Federal regulatory reform; published 11-6-96

Superfund program:
- National oil and hazardous substances cotingency plans--
  - National priorities list update; published 11-21-96

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
- Tariffs; rates policy and rules for competitive common carrier services and facilites authorizations; correction; published 11-21-96

FEDERAL TRADE COMMISSION

Industry guides:
- Mirror industry; published 11-21-96

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community development block grant program:
- Community revitalization strategy requirements; technical amendments; published 10-22-96

PERSONNEL MANAGEMENT OFFICE

Allowances and differentials:
- Cost-of-living allowances in Alaska, Hawaii, Puerto Rico, Guam, and U.S. Virgin Islands; partnership pilot project; published 11-21-96

STATE DEPARTMENT

Visas; immigrant and nonimmigrant documentation:
- Illegal Immigration Reform and immigrant Responsibility Act--
  - Visas ineligibility; published 11-21-96

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Bombardier; published 11-6-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Olives, imported, and grown in California; comments due by 11-25-96; published 11-8-96

Tomatoes grown in--
- Florida; comments due by 11-29-96; published 10-29-96

AGRICULTURE DEPARTMENT

Commodity Credit Corporation

Agricultural conservation programs:
- Environmental quality incentives program; comments due by 11-25-96; published 10-11-96

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:
- Grapes; comments due by 11-25-96; published 9-24-96
- Raisins; comments due by 11-29-96; published 10-30-96

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:
- Identity and composition standards; comments due by 11-25-96; published 9-9-96
- Processed meat and poultry products; nutrient content claim and general definition and standard identity
  - Comment period extended; comments due by 11-25-96; published 5-28-96

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Northeastern United States fisheries--
  - Northeast multispecies; comments due by 11-25-96; published 11-14-96

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:
- Futures commission merchants, introducing brokers and leverage transaction merchants; financial reports; comments due by 11-25-96; published 10-25-96

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):
- Competitive range determinations; comments due by 11-26-96; published 11-15-96

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:
- Clothes washers, dryers, and dishwashers; test procedures; comments due by 11-25-96; published 11-8-96

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:
- Primary aluminum reduction plants; comments due by 11-25-96; published 9-26-96

Air quality implementation plans; approval and promulgation; various States:
- Indiana; comments due by 11-29-96; published 10-30-96
- Pennsylvania; comments due by 11-25-96; published 10-25-96
- Rhode Island; comments due by 11-29-96; published 10-30-96
- Texas et al.; comments due by 11-29-96; published 10-30-96

Air quality planning purposes; designation of areas:
- Washington; comments due by 11-25-96; published 10-25-96

Clean Air Act:
- State air quality plans; designated facilities and pollutants--
  - Texas; comments due by 11-27-96; published 10-28-96
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- State operating permits programs--
  - Arizona; comments due by 11-29-96; published 10-30-96

Hazardous waste program authorizations:
- Montana; comments due by 11-25-96; published 10-25-96
- Oklahoma; comments due by 11-25-96; published 10-9-96

Superfund program:
- National oil and hazardous substances contingency plan--
  - National priorities list update; comments due by 11-25-96; published 10-25-96
  - National priorities list update; comments due by 11-25-96; published 10-25-96

Water pollution; effluent guidelines for point source categories:
- Centralized water treatment; comments due by 11-25-96; published 11-4-96

FEDERAL COMMUNICATIONS COMMISSION

Radio services, special:
- Commercial mobile radio services--
  - Flexible service offerings; comments due by 11-25-96; published 8-26-96

Radio stations; table of assignments:
- Georgia; comments due by 11-25-96; published 10-18-96
- Kentucky; comments due by 11-25-96; published 10-17-96
- Tennessee; comments due by 11-25-96; published 10-15-96

FEDERAL EMERGENCY MANAGEMENT AGENCY

Disaster assistance:
- Snow removal assistance; comments due by 11-25-96; published 10-24-96

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):
- Competitive range determinations; comments due by 11-26-96; published 11-15-96

GOVERNMENT ETHICS OFFICE

Conflict of interests; comments due by 11-26-96; published 9-27-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Medical devices:
- Class III infant radiant warmer; reclassification into class II; premarket approval; comments due